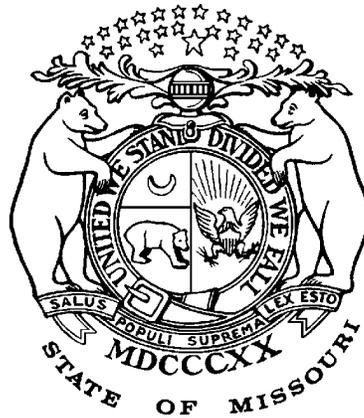


91ST General Assembly

Second Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

for week of:

JANUARY 9 - 11, 2002

Prepared by
Divisions of Research and Data Processing

MISSOURI SENATE

BILL STATUS

SENATE BILLS

****SB 0631****

SENATE SPONSOR Schneider

3216S.01I

SB 631 - This act allows the State to request a medical examination of an injured employee in Second Injury claims and modifies the admissibility of medical reports in Second Injury cases.

This act is identical to SB 183 (2001).
ERIC ROSENKOETTER

120101 Prefiled

010902 S First Read

S40

011002 Second Read and Referred S Judiciary Committee

EFFECTIVE : August 28, 2002

****SB 0632****

SENATE SPONSOR Schneider

2589S.01I

SB 632 - This act prohibits retailers from obtaining refunds of sales taxes without crediting the original purchasers.

This act is similar to SB 195 (2001).
JEFF CRAVER

120101 Prefiled

010902 S First Read

S40

011002 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2002

****SB 0633****

SENATE SPONSOR Schneider

2588S.01I

SB 633 - This act prohibits health carriers from changing their drug formularies except at the beginning of the policy anniversary date or pursuant to a FDA recommendation. The health carrier may add new prescription drugs to its formulary. The health carrier may not increase an enrollee's co-payment or other out of pocket expenses except at the beginning of the policy annual anniversary date.

This act is identical to SB 194 (2001).
STEPHEN WITTE

120101 Prefiled

010902 S First Read

S40

011002 Second Read and Referred S Insurance & Housing
Committee

EFFECTIVE : August 28, 2002

SB 0634

SENATE SPONSOR Wiggins

2675S.01I

SB 634 - This act authorizes an annual appropriation to the Jackson County Sports Complex Authority for support of the two sports stadiums owned by the public authority, Arrowhead Stadium (home of the Kansas City Chiefs) and Kauffman Stadium (home of the Kansas City Royals), of up to \$7 million for each stadium, in addition to amounts previously authorized. Any such appropriation or transfer of money is contingent upon:

(1) Renewal or extension of the current Kansas and Missouri Metropolitan Culture District retail sales tax (which is set to expire in 2002); and

(2) Renewal or extension of the lease contracts currently in effect for the Chiefs and Royals.

No appropriations are authorized to occur until FY 2006.
JEFF CRAVER

120101 Prefiled

010902 S First Read

S40

011002 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2002

SB 0635

SENATE SPONSOR Wiggins

2802L.01I

SB 635 - This act creates statutory warranties for home buyers and homeowners and also prevents home solicitors from engaging in certain deceptive practices.

HOME SOLICITATION - This act prohibits home solicitors from selling products financed by the consumer's home which would put the consumer in those types of situations. This act outlaws certain unfair or deceptive practices relating to home improvement loans to consumer. It would prohibit home solicitations where a home improvement loan is made encumbering the person's home to pay the loan and where the practice violates federal law. Violation of this act's provisions would constitute a Class A misdemeanor. This portion of the act is similar to HB 1144 (1999).

STATUTORY HOME WARRANTIES -This act mandates warranties to protect new home purchasers from losses caused by faulty installation, major construction defects, and noncompliance with building standards. The act also mandates similar warranties to

protect homeowners from losses caused by defects caused by home improvement contractors.

NEW HOME WARRANTIES - There are three distinct new home warranties created by this act. The first covers the home against faulty workmanship and defective materials due to noncompliance with building standards for a three year period. The second warranty covers new homes against faulty installation of plumbing, electrical, heating and cooling systems for a five-year period. The third warranty covers the home against major construction defects (foundation) for a ten-year period. These warranties are extended to subsequent purchasers of the home.

HOME IMPROVEMENT WARRANTIES - The second statutory warranty protects consumers against home improvement contractors. Under this warranty, the home improvement contract warrants that the home improvements made will be free from defects caused by faulty workmanship and defective materials for a two-year period. The home improvement warranty also guarantees that the home improvement will be free from major construction defects for a ten-year period. Improvements involving plumbing, electrical, heating and cooling systems are guaranteed to be free from defects for a period of two-years.

If the house vendor or the home improvement contractor violates these implied warranties then the homeowner may bring a cause of action against the person for actual damages. The court shall also award the homeowner court costs and reasonable attorney fees. If the breach of the warranties were willful or deceitful, then the court may assess punitive damages.

The house vendor or home improvement contractor shall not be liable for damages caused by the homeowner, forces of nature or for normal wear and tear. The statutory warranties provided for by this act are in addition to any other remedies the homeowner may have.

This act is similar to SB 6 (2001).
STEPHEN WITTE

120101 Prefiled
010902 S First Read S40
011002 Second Read and Referred S Insurance & Housing
Committee

EFFECTIVE : August 28, 2002

SB 0636

SENATE SPONSOR Wiggins

2803L.01I

SB 636 - This act repeals the expiration (scheduled for 12/31/2003) of the majority of the Kansas City public mass transportation system sales tax.

JEFF CRAVER

120101 Prefiled
 010902 S First Read S40
 011002 Second Read and Referred S Local Government &
 Economic Development Committee

EFFECTIVE : August 28, 2002

SB 0637

SENATE SPONSOR Caskey

3044S.01I

SB 637 - This act grants limited consent by the state to be
 sued under the Americans with Disabilities Act (ADA) in state
 court, subject to monetary limits, which shall not include
 punitive damages.
 JIM ERTLE

120101 Prefiled
 010902 S First Read S40
 011002 Second Read and Referred S Judiciary Committee

EFFECTIVE : August 28, 2002

SB 0638

SENATE SPONSOR Caskey

SB 638 - Bill withdrawn.

120101 Prefiled
 120301 BILL WITHDRAWN S40

SB 0639

SENATE SPONSOR Caskey

3068S.02I

SB 639 - This act exempts sellers of jams and jellies from
 the requirement to construct or maintain separate facilities for
 their production. This exemption applies as long as the seller
 does not sell more than \$30,000 of jams and jellies annually.
 CINDY KADLEC

120101 Prefiled
 010902 S First Read S40-41
 011002 Second Read and Referred S Public Health & Welfare
 Committee

EFFECTIVE : August 28, 2002

****SB 0640****

SENATE SPONSOR Russell

2794S.01I

SB 640 - This act adds a regional child assessment center in Camden County.
ERIN MOTLEY

120101 Prefiled

010902 S First Read

S41

011002 Second Read and Referred S Aging, Families & Mental
Health Committee

EFFECTIVE : August 28, 2002

****SB 0641****

SENATE SPONSOR Russell

2756S.01I

SB 641 - This act prohibits union fees from being paid by payroll deduction. The act also provides that no state employee shall be required to pay a service fee to any organization in lieu of being a member of the union, nor will be required to join a union in order to be employed.
ERIC ROSENKOETTER

120101 Prefiled

010902 S First Read

S41

011002 Second Read and Referred S Labor & Industrial
Relations Committee

EFFECTIVE : August 28, 2002

****SB 0642****

SENATE SPONSOR Russell

2904S.01I

SB 642 - This act requires Hepatitis B testing, in addition to HIV testing, for crime victims and prisoners. Currently, Section 191.226, RSMo, allows the Department of Health and Senior Services to pay for the cost of HIV tests for crime victims and Section 191.659, RSMo, requires HIV testing of individuals in the custody of the Department of Corrections. This act adds Hepatitis B testing to both sections.
ERIN MOTLEY

120101 Prefiled

010902 S First Read

S41

011002 Second Read and Referred S Public Health & Welfare
Committee

EFFECTIVE : August 28, 2002

SB 0643

SENATE SPONSOR Mathewson

2630S.01I

SB 643 - This act allows members of the Board of Probation and Parole to use unused sick leave for the purchase of additional creditable service for retirement purposes.
CINDY KADLEC

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2002

SB 0644

SENATE SPONSOR Mathewson

2846S.01I

SB 644 - This act allows Veterans to receive Veterans' license plates for their motorcycles. In addition to regular registration fees, the person shall pay an additional fee of \$15.
STEPHEN WITTE

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2002

SB 0645

SENATE SPONSOR Mathewson

2597S.01I

SB 645 - Regional jail district commissioners of a district located in Caldwell County, DeKalb County or Daviess County are authorized to place a sales tax on retail sales in the district of 1/8th, 1/4th, 3/8ths, or 1/2 of one percent on the ballot which will provide funding for jail services, jail facilities, court facilities and equipment. The tax requires approval of a majority of voters in the district.

Current law allows counties to form regional jail districts by action of the county commissioners of member counties.

This act is similar to SB 14 (2001), 789 (2000) and HB 642 (2001).
JIM ERTLE

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Local Government &
Economic Development Committee

EFFECTIVE : August 28, 2002
TERM DATE : August 28, 2015

SB 0646

SENATE SPONSOR Staples

2925L.01I

SB 646 - This act requires that motorcyclists under 21 years wear helmets. Currently, all motorcyclists are required to wear helmets.

STEPHEN WITTE

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2002

SB 0647

SENATE SPONSOR Goode

3159S.01I

SB 647 - This act revises the law regarding seat belt usage and child restraint systems.

USE OF CHILD PASSENGER RESTRAINT SYSTEM/BOOSTER SEAT - This act requires children less than 4 years old, regardless of weight, or children weighing less than 40 pounds, regardless of age, to use an appropriate child passenger restraint system. The act requires children at least 4 years of age but less than 8 years of age or who weigh 40 pounds to 80 pounds to be secured in a child passenger restraint system or a child booster seat. Children 8 years of age or older, or children who are at least 80 pounds, must use a safety belt.

WAIVER OF PENALTY - A person may escape the \$25 penalty by demonstrating that the person obtained a child safety seat prior to or at his or her hearing which is satisfactory to the court or the party responsible for prosecuting the violator's citation.

RENTAL AGENCIES - This act requires car rental agencies doing business in Missouri to inform customers of the requirements of Section 210.104 and to provide an appropriate child passenger safety restraint system for rental.

SEAT BELT REQUIREMENTS - If there are more persons than there are seat belts in the car, then the passengers must sit in the area behind the front seat unless the vehicle is designed only for a front-seated area.

This act has an effective date of January 1, 2003.

This act is substantially similar to SB 549 (2001).
STEPHEN WITTE

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2002

SB 0648

SENATE SPONSOR Goode

3217S.02I

SB 648 This act allows any county or the City of St. Louis to opt out of the use of an inflation growth factor to increase property levy rates. The entity may opt out by means of:

- (1) An act of the entity's governing body;
- (2) A referendum submitted to the voters upon act of the entity's governing body; or
- (3) A referendum submitted to the voters upon initiative petition.

Passage of the referendum would prohibit the entity's governing body from adjusting the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment.
JEFF CRAVER

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2002

SB 0649

SENATE SPONSOR Goode

2886S.01I

SB 649 - This act creates the Invasive Species Council. The named members of the Council are the Directors of the Departments of Agriculture, Conservation, Health, Natural Resources and Transportation. The Director of the Department of Conservation shall serve as the first-year Council chair and the other named members shall serve one year terms as Council chair on a rotating basis. Other agencies may be included. The five named agencies shall provide temporary staffing for the Council, and the Council may request appropriations for dedicated staffing.

State agencies whose actions affect invasive species shall attempt to prevent further impacts of invasive species and shall

not act in ways that create further impacts of invasive species.

The Council shall oversee implementation of the act, encourage planning, develop recommendations, facilitate sharing of information and create and update an Invasive Species Management Plan.

The Plan shall be issued within 18 months of passage. The Plan shall be a 5-year rolling plan including goals, objectives and measures of success concerning invasive species.

This act is similar to SB 20 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Interstate Cooperation
Committee

EFFECTIVE : August 28, 2002

SB 0650

SENATE SPONSOR Singleton

2395S.01I

SB 650 - This act removes the statute of limitations for the crimes of rape and sodomy, so that a prosecution may be commenced at any time when a suspect is apprehended.
SARAH MORROW

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Judiciary Committee

EFFECTIVE : August 28, 2002

SB 0651

SENATE SPONSOR Singleton

2652S.02I

SB 651 - This act requires a health carrier to allow any health care provider to participate in its network if that person satisfies all of the selection standards. This act will be known as the Patient Freedom of Choice Act of 2002.

Currently, Section 354.606, RSMo, deals with contracts between health carriers (currently defined as HMOs) and health care professionals (currently defined as physicians or other health care practitioners who provide specific health services). New language provides that health carriers may not develop selection criteria in such a way that it will deny a health care professional the opportunity to become a participating provider if that professional meets all of the selection criteria and is

willing to abide by all other terms and conditions. Current language also contains a provision that health carriers do not, however, need to hire more providers than necessary to maintain an adequate network.

ERIN MOTLEY

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Public Health & Welfare
Committee

EFFECTIVE : August 28, 2002

SB 0652

SENATE SPONSOR Singleton

2944S.02I

SB 652 - This act prohibits public hospitals from not employing any licensed physician who complies with all hospital rules. Currently, Section 205.300, RSMo, prohibits public hospitals from discriminating against practitioners of any school of medicine and allows them equal privileges to treat patients. Patient choice of practitioner is also addressed. New language prohibits a public hospital from excluding any physician from employment who is licensed in Missouri, in good standing, and who complies with hospital rules. No hospital may deny, restrict, or terminate medical staff or privileges for unrelated economic reasons. All medical staff applications shall be given due process.

ERIN MOTLEY

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Public Health & Welfare
Committee

EFFECTIVE : August 28, 2002

SB 0653

SENATE SPONSOR Johnson

3134S.01I

SB 653 - This act revises various provisions relating to sheltered workshops.

Currently, the law allows the establishment and operation of sheltered workshops, residence facilities, and related services. In this and other sections, this bill references "sheltered workshops, residence facilities, or any other services or programs for persons with developmental disabilities" instead of referencing only "related services". The new language does not, however, state that the "other services" must be of a type related to sheltered workshops or residence facilities and,

instead, allows Boards to conduct needs assessments and provide funds to any services or programs it deems necessary. A new definition for "developmental disability" is also provided. In Section 205.969, new language provides that the Board may not discontinue funding to a sheltered workshop unless eight of the nine members vote in favor of doing so.

The Board may set rules. New language continues rulemaking authority for the Board's services and programs, but states that rules for admission to a sheltered workshop will be established by the Department of Elementary and Secondary Education. Funding for sheltered workshops must be at a minimum of fifteen percent. A county board may provide additional funding or may contractually decrease the minimum level. All funds must be spent in the manner in which the ballot language specifies, or the question must be submitted to the voters (Section 208.970, 205.971).

Section 205.972, RSMo, currently outlines the ballot language to be used for approval of levies. New language changes the ballot language to be used for approval of the establishment of sheltered workshops to include any other services or programs for persons with developmental disabilities (Section 205.972).

A new section is created to provide for the state to grant limited consent to be sued under the ADA in state courts, but not federal courts. Consent is for a maximum monetary award under Section 537.610, regardless of whether the state is insured against the claim. The amount may include attorneys fees, but not punitive or exemplary damages. This section applies to all actions pending or initiated on or after February 21, 2002 (Section 537.617).

This act is substantially similar SS #2/SB 184 and SB 550 (2001).

This act contains an emergency clause.
ERIN MOTLEY

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Aging, Families & Mental
Health Committee

EFFECTIVE : Emergency clause

SB 0654

SENATE SPONSOR Rohrbach

2496S.01I

SB 654 - This act prohibits private companies or individuals from operating private jails or correctional facilities. It does not prohibit the state from contracting with private companies to provide facilities for specific programs, and exempts the Division of Youth Services. Nationally accredited or religiously

operated correctional facilities existing before January 1, 2002, are exempted from this act.

This act is similar to SB 30 (2001).
JIM ERTLE

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Financial & Governmental
Organizations Committee

EFFECTIVE : August 28, 2002

SB 0655

SENATE SPONSOR Rohrbach

3079S.01I

SB 655 - This act requires the Governor to replace appointive officers with successors within ninety days after they resign or their terms expire. When a Governor is re-elected to a second term all salaried appointive officers who serve at the pleasure of the Governor must be re-submitted to the Senate for the Senate's advice and consent.

This act is similar to SB 398 (2001).
JIM ERTLE

120101 Prefiled
010902 S First Read S41
011002 Second Read and Referred S Gubernatorial Appointments
Committee

EFFECTIVE : August 28, 2002

SB 0656

SENATE SPONSOR Rohrbach

3045S.02I

SB 656 - This act states that if insurance policies or advertising materials are printed in a language other than English, the English version of the contract filed with the Department of Insurance will govern in a potential dispute.
STEPHEN WITTE

120101 Prefiled
010902 S First Read S42
011002 Second Read and Referred S Insurance & Housing
Committee

EFFECTIVE : August 28, 2002

SB 0657

SENATE SPONSOR House

2844S.01I

SB 657 - This act establishes the compelling interest test as the burden the state has in restricting the free exercise of religion. No governmental authority may restrict a person's free exercise of religion unless the restriction is one of general applicability and furthers a compelling governmental interest in the least restrictive means.

The act is identical to SB 337 (2001).
CINDY KADLEC

120101 Prefiled

010902 S First Read

S42

011002 Second Read and Referred S Judiciary Committee

EFFECTIVE : August 28, 2002

SB 0658

SENATE SPONSOR House

2798S.01I

SB 658 - This act lengthens the minimum notice period which a landlord must provide to a tenant mobile-home owner prior to termination of a lease of less than one year duration. The minimum notice time is doubled from 60 days to 120 days, notwithstanding any written lease provision to the contrary.
STEPHEN WITTE

120101 Prefiled

010902 S First Read

S42

011002 Second Read and Referred S Insurance & Housing
Committee

EFFECTIVE : August 28, 2002

SB 0659

SENATE SPONSOR House

2784S.01I

SB 659 This act makes many revisions to laws concerning charter schools and public school teachers.

TEACHERS & STAFF - The act allows the Kansas City Missouri School District to hire retired teachers and allows them to continue receiving their pensions while returning to teaching for up to two years (currently available only in City of St Louis). The retirement system shall determine the actuarial cost of such rehiring, and the cost shall be paid by the district. District teachers employed in charter schools shall retain tenure status

and shall retain seniority rights for three years. Charter schools are permitted to hire noncertificated administrators.

CHARTER SCHOOL LOCATIONS - Charter schools may be operated in the currently authorized territories, even if the existing school district no longer exists or includes that territory. The act clarifies that charter schools may be sponsored by a public 4-year college or university in a county containing an eligible school district, even if the college or university is not in the school district.

CONVERSION TO CHARTER SCHOOLS - Increases the number of public school buildings in a school district which may be converted to charter school use from five percent to ten percent, with discretion given to the local school board. The act requires urban school districts to lease buildings to charter schools on substantially equivalent terms and at a price which is substantially equivalent and requires good-faith negotiations by such districts, for fair market value. The requirements regarding lease of buildings shall not apply to contracts in existence on January 1, 2001.

PROCESS FOR CHARTERING A SCHOOL - The act revises the procedure and timeline for chartering a school. A charter school proponent shall provide the local school district and the State Board of Education with copies of the charter school application within five days of submitting the application to the proposed sponsor. A charter application must be provided to a proposed sponsor at least 11 months prior to the proposed starting date for the school. The sponsor's decision of approval or denial must be made within 90 days of filing the proposed charter (rather than the current 60); if the charter is denied, written notice must be served on the State Board of Education within 5 days. The State Board has 60 days to deny or grant a proposed charter and shall provide reasons for denial in writing, if applicable.

GRANT FUNDING FOR SPONSORS OF CHARTER SCHOOLS - The act creates a Charter School Sponsor Oversight Fund, with grant funding administered by the Coordinating Board for Higher Education. Funds shall be transferred annually by the State Treasurer, based upon the number of charter schools and charter school enrollment the previous year. Approved sponsors shall receive, from the fund, \$23,400 per school sponsored the previous year plus 0.5% of per pupil operating revenues for each student enrolled in such school the previous year. Any sponsor may apply and must demonstrate compliance of all requirements of law. Grant funds shall be prorated if necessary when funds are inadequate. Unused funds shall be retained and used to reduce the next year's withholding from charter school revenues.

CHARTER SCHOOL BOARDS Sponsors must perform criminal background checks on the members of the Board of Directors of any nonprofit corporation applying to establish a charter school, prior to granting or renewing a charter. No member of a charter school board may be employed by the charter school nor have a significant interest in any entity employed by or contracting with the board.

ACCOUNTABILITY FOR PERFORMANCE Sponsors must provide documentation establishing compliance with charter school laws. Sponsors found to have violated the charter school law requirements may have their ability to sponsor new schools suspended for up to four years by the State Board of Education; suspension is mandatory for subsequent violations. Charter schools are required to employ the Missouri Assessment Program (MAP) tests. Charter schools shall provide all information needed to confirm compliance with all requirements of the charter and all charter school laws.

PUBLIC REPORTING Charter schools are required to publish audits and financial reports. Public reporting shall include results of background checks of charter board members. A charter may be revoked for failure to provide necessary compliance information, or the sponsor may require specified remedial action of the school. Charter schools must make available the charter and public report card to the parent of guardian of any pupil eligible to seek to enroll at the school. Reasonable fees may be charged for such copies.

LEGAL LIABILITY Charter school board members, officers and employees who willfully violate charter school laws or neglect to perform any duty in the charter school laws are guilty of a misdemeanor as other public school employees are under current law. A charter school board may participate in the Missouri Public Entity Risk Management Fund to the same extent as a school board.

The act contains penalty provisions.

This act is similar to SB 512 (2001).
DONALD THALHUBER

120101 Prefiled
010902 S First Read S42
011002 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2002

SB 0660

SENATE SPONSOR Westfall

2471S.01I

SB 660 - This act prohibits passengers, as well as drivers, from possessing or consuming an open container of an alcoholic beverage in a motor vehicle on a highway or a right-of-way. Chartered tour buses and RVs are exempt from this rule.

This act is similar to SB 291 (2001).
STEPHEN WITTE

120101 Prefiled

010902 S First Read

S42

011002 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2002

SB 0661

SENATE SPONSOR Westfall

2771S.01I

SB 661 - STATE SCHOOL AID FORMULA - The act establishes a new formula for the distribution of state school aid. The formula establishes a flat, per pupil entitlement known as the "formula base amount per eligible pupil" which shall be initially established at \$5300 per pupil for FY 2002 and shall be annually adjusted by the percentage change in the state average equalized assessed value from the 3rd to 2nd preceding year. Deductions are made for local sources of operating revenues, including merchant's and manufacturer's replacement taxes, and some federal revenues.

The act requires that each district, other than certain very wealthy school districts, levy no less than the \$1.25 minimum operating levy as an eligibility requirement for state aid. Actual local property tax receipts from the \$1.25 minimum levy are deducted at 100% from state aid entitlement while additional local property tax receipts above an additional \$530 or ten percent are deducted at fifty percent. Payments pursuant to the new formula are phased in over 2 years.

"Average daily attendance" is weighted at 105% for the first 100 kids per grade level per school, but only for schools serving at least 4 grades including either kindergarten or twelfth grade. Double counting of summer school attendance is deleted.

"Operating levy for school purposes" is revised to allow up to 12.5 cents of the \$1.25 minimum levy to be placed in either debt service or capital projects.

CATEGORICAL AID - The current Line 14 At-Risk categorical aid is revised so that districts receive an additional formula entitlement payment of 15% of the base formula amount on the basis of Free and Reduced Price Lunch Eligible pupils in the district enrollment. A new categorical, the "experienced teacher entitlement", is created.

MINIMUM TEACHER SALARIES - The bill creates a new, mandatory 5-level minimum salary program, beginning in the 2003-04 school year, funded by a separate categorical appropriation with salary steps as follows:

\$25,000 for 5 or less years experience,
 \$30,000 for Master's (or higher) + 6-10 years or Bachelor's
 + 6-19 years),
 \$35,000 for Bachelors + 20 or Master's (or higher) + 11-19
 years,
 \$40,000 for Master's (or higher) + 20-29 years,

\$45,000 for Master's (or higher) + 30 or more years.

The act creates an "experienced teacher entitlement" which shall be \$670 for every year of experience for every employee employed the previous year in a position for which a certificate from the State Board was required.

To be eligible for the "experienced teacher entitlement" a district shall: meet all requirements for state aid pursuant to section 163.021; make no illegal transfers for capital purposes; make no reductions in salary schedule unless financially stressed; place new teachers (with experience in other districts) on salary schedule using all of the new teacher's public school teaching experience and pay returning teachers no less than they were paid the previous year (on an FTE basis). State payments will be reduced if the district's extra duty pay is more than 8.5% or if end of year operating balances are over 15%.

TAXATION - The act increases the statutory sales tax from four percent to five percent. The one-cent Proposition C sales tax revenues and the one-cent increase in sales tax revenues will be distributed as part of the state sources used to fund the basic school aid payment. Personal income taxes are increased by one percent for all brackets. Corporate income taxes are increased one percent to seven and one-quarter percent.

The act has a referendum clause.
DONALD THALHUBER

120101 Prefiled
010902 S First Read S42
011002 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2002

SB 0662

SENATE SPONSOR Westfall

2894S.01I

SB 662 - This act would allow a Sheriff to seize property in the possession of a pawnbroker if the Sheriff receives a report from a claimant that the property has been misappropriated and the property is reasonably identifiable as the property of the claimant. If the pawnbroker believes the property is not misappropriated he or she would then be entitled to file a cause of action in small claims court. The prevailing party would be entitled to court costs and attorney's fees.

This act is identical to SB 622 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read S42
011002 Second Read and Referred S Civil & Criminal

Jurisprudence Committee

EFFECTIVE : August 28, 2002

SB 0663

SENATE SPONSOR Klarich

3152S.03I

SB 663 - This act makes several modifications to the law of property reassessment, including creation of "The Missouri Homestead Preservation Act," which contains the following provisions:

1) Limits the increase in assessed valuation of residential property, for people under 65 and for those 65 and older who have resided on the property for less than 5 years, to the lesser of the Consumer Price Index increase or 5 percent per two-year reassessment period; and

2) Freezes assessed valuation of residential property owned by people 65 and older who have used the property as a homestead for 5 years or longer. Condemnation proceedings or other judicial "takings" exempt the owner from the 5-year requirement. Age and years of residence are determined on January first of each odd-numbered year, with such information provided to the local assessor by the owner.

This portion of the act has an effective date of January 1, 2003 (if approved by voters in November 2002), and applies to all taxable years beginning after December 31, 2002, and is similar to SB 40 (2001).

Current law requires that if the assessor increases the assessed valuation of a parcel of real property by more than 17%, the assessor shall perform a physical inspection of the property. This act reduces the 17% threshold to 5%. The owner of a parcel of property which is to be physically inspected has the right to request an interior inspection as a part of the physical inspection. The act defines the minimum requirements of a physical inspection and prohibits the use of so-called "drive-by inspections".

The act also clarifies that if a property owner appeals an assessed valuation figure, the assessor's office has the burden to prove that the assessed valuation accurately reflects market value. The assessor also carries the burden to prove that any required physical inspection met the statutory requirements. In the event the assessor fails to carry his or her burden regarding the physical inspection, the property owner prevails on the appeal as a matter of law.

In the event the property owner prevails on the appeal of an assessed valuation of property, the property owner shall be awarded reasonable appraisal expenses, attorney fees and court costs.

The act has a referendum clause.
JEFF CRAVER

120101 Prefiled
010902 S First Read S42
011002 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2002

SB 0664

SENATE SPONSOR Klarich

3151S.01I

SB 664 - This act provides that all state sales tax revenue generated by a multipurpose facility owned by the City of St. Louis and located within the City, shall be placed in a specially designated account for the sole purposes of maintenance and refurbishment of the facility.

JEFF CRAVER

120101 Prefiled
010902 S First Read S42
011002 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2002

SB 0665

SENATE SPONSOR Kenney

3059S.01I

SB 665 This act requires public schools that provide access to the Internet to either use filtering software, or to purchase Internet service through a provider that filters the material that can be accessed. A public library may either use filtering software or otherwise restrict minors' access to the Internet by local rule.

Any school official who neglects or refuses to comply with these legal duties shall be subject to the same criminal penalty provided in section 162.091 (a misdemeanor, punishable by a fine not more than \$500 or up to one year in jail). Any public school employee who complies with the law shall not be liable if a minor gains access to pornographic material through the use of the school's computer.

Similar provisions were incorporated in the Perfected version of SS#2/SCS/SBs 757 & 602, but were not retained in the Truly Agreed To version of that bill.

This act is identical to SB 42 (2001).
DONALD THALHUBER

120101 Prefiled
 010902 S First Read S42
 011002 Second Read and Referred S Financial & Governmental
 Organizations Committee

EFFECTIVE : August 28, 2002

SB 0666

SENATE SPONSOR Kenney

3064S.01I

SB 666 - The School Building Revolving Fund is eliminated and the School Building Construction and Renovation Fund is created. Moneys in the Fund would be used, in equal portions, to fund school construction and school renovation. The interest accruing to all state funds, other than funds created by the Missouri Constitution, shall be transferred quarterly to the newly created School Building Construction and Renovation Fund.

To be eligible for a grant, a district must apply to the Department of Elementary and Secondary Education, must meet all criteria for state aid (meets or exceeds minimum school calendar, maintains proper records of attendance, personnel and finance, levies at least a \$1.25 tax rate and computes attendance properly under law) and must not be experiencing financial stress.

Priority of construction grants is given to the following categories, in decreasing order:

- a) districts with uninsured replacement costs from disaster;
- b) districts with at least 12% enrollment growth in the last 3 years;
- c) districts with 9% growth in the last 3 years;
- d) districts with 6% growth in the last 3 years;
- e) overcrowded districts; and
- f) districts with certain particular building needs.

Priority of renovation grants is given to the following categories, in decreasing order:

- a) districts with uninsured replacement costs from disaster or hazardous waste cleanup;
- b) districts renovating buildings which are at least 35 years old; and
- c) districts renovating buildings less than 35 years old.

Once a district has received a grant, it shall not be eligible for a new grant from the Fund unless all eligible applications from districts which have yet to receive a grant are funded.

Local matching funds are required to receive a state grant. The local match requirement is 50% for the least wealthy of districts, 75% for the most wealthy of districts and the match percentages for the remaining districts are uniformly spaced across the range from 50% to 75%.

Maximum total state costs per pupil for new construction are \$8000 for high school, \$7000 for middle school and \$6000 for elementary school. Maximum total state costs per pupil for renovation are \$5600 for high school, \$4900 for middle school and \$4200 for elementary school. A school may spend more than the maximum state grant amount plus local match by adding additional local funds.

State grant funds shall not be used for lease purchases. State grant funds shall be used only for capital expenditures, and shall not be used to retire debt. If a project costs less than the projected amount, the state's share of the remaining funds shall be returned to the state and placed in the Fund.

Upon completion of a project, the district shall submit a report to the Department, and the Department may require an audit. State funds not expended as allowed by this act must be repaid to the state.

All school buildings constructed or renovated with grants under this act shall remain the property and responsibility of the school district.

This act is identical to SS/SB 242 (2001).
DONALD THALHUBER

120101 Prefiled

010802 BILL WITHDRAWN

S42

EFFECTIVE : August 28, 2002

SB 0667

SENATE SPONSOR Bentley

2651S.01I

SB 667 - The State Board of Education shall establish a program of salary supplements for teachers receiving certification from the National Board for Professional Teaching Standards. An annual salary stipend of \$5000 will be given for a period of ten years, starting in the school year in which the teacher receives certification.

The salary supplement shall be in addition to the base salary to which the teacher would otherwise be entitled. The salary supplements shall be paid only during those school years in which the teacher is employed with a Missouri school district.

A teacher certified by the National Board for Professional Teaching Standards may also receive a payment of 10% of the teacher's base pay for any school year in which the teacher serves as a mentor teacher to other candidates for National Board certification in a program established by the school district and meeting standards established by the State Board of Education.

DONALD THALHUBER

120101 Prefiled
 010902 S First Read
 011002 Second Read and Referred S Education Committee

S42

EFFECTIVE : August 28, 2002

SB 0668

SENATE SPONSOR Bentley

2647S.01I

SB 668 - This act establishes a four year, competitive grant program to school districts for improving math curriculum and instruction up to grade 9.

Applications may be made for grant funding for individual schools, a combination of schools or an entire school district. The act specifies certain elements which must be included in any application, including a process of instructional improvement and stated goals for improving student performance. Funding beyond the second year shall be based upon improvement in student performance on the 8th grade mathematics assessment.

Upon conclusion of the grant, the Department of Elementary and Secondary Education may reimburse the local match, based upon improvement in student performance. The Department shall establish standards for student performance improvement needed for continued grant funding and reimbursement of local match.

Funds shall be distributed in equal amounts within geographic areas based proportionately on student population, but may be reallocated from an area if there are not sufficient applications.

This act is the same as SB 97 (2001).
 DONALD THALHUBER

120101 Prefiled
 010902 S First Read
 011002 Second Read and Referred S Education Committee

S42

EFFECTIVE : August 28, 2002

SB 0669

SENATE SPONSOR Bentley

3108S.01I

SB 669 - This act authorizes removal of property from the Springfield Community Improvement District, or relocation of property from a certain zone of designation in the CID to a different zone. A public hearing must be conducted and approval by the board. The district must be able to meet its financial obligations without the revenues from the proposed portion to be removed.

This act is identical to SB 125 (2001).
JEFF CRAVER

120101 Prefiled
010902 S First Read S42
011002 Second Read and Referred S Local Government &
Economic Development Committee

EFFECTIVE : August 28, 2002

SB 0670

SENATE SPONSOR Sims

2848S.02I

SB 670 - This act makes a number of changes designed to protect the elderly.

Definitions for elder care terms are modified. (Section 187.010). Certain persons are required to report suspected abuse or neglect of facility residents. Anyone failing to make a report or filing a false report is guilty of a Class A misdemeanor. Immunity is given to reporters, unless they act negligently, recklessly, or in bad faith. A facility administrator must contact the coroner immediately upon the death of a resident (Section 187.020).

If a report is made about a long-term care resident, certain information must be included in the report. Within 24 hours, the Department of Health and Senior Services must initiate an investigation and notify the resident's family. If a report involves imminent harm, the Department must start an on-site investigation within 24 hours. If an investigation indicates possible abuse or neglect, the resident may be removed from the facility. Reports are confidential, but information may be released to certain persons. Within 5 working days, the person making the report must be notified of its progress. Harassment of reporters is prohibited. Any person who knowingly abuses or neglects a resident of a facility is guilty of a Class D felony and will be placed on the employee disqualification list. (Section 187.024). Section 187.028 contains provisions similar to Section 187.024, but for eligible adults not residing in a facility and in-home services clients (Section 187.028).

The Department must investigate reports by using the procedures established in Sections 660.250 to 660.295 and must refer all suspected cases to law enforcement. The Department and law enforcement must require elder abuse training and must develop an investigation checklist (Section 187.030). Immunity from liability is provided to reporters, unless they act in bad faith (Section 187.034).

Section 187.050 contains provisions similar to 187.024, but for the misappropriation of property or falsification of documents of an in-home services client. Any in-home services provider or employee who performs such acts will be guilty of a

Class A misdemeanor (Section 187.050).

Any person placed on the employee disqualification list (EDL) must be notified in writing with thirty days to respond or appeal. Certain persons will be automatically listed on the EDL, such as those who intentionally or negligently inflict serious physical injury or death to another. No person on the EDL may be employed by anyone receiving the list. Persons listed on the EDL may request removal once every twelve months (Section 187.080).

Prior to hiring an employee, providers must request a criminal background check and must check the EDL. Failure to disclose will result in a Class A misdemeanor. Failure by a provider to investigate will result in civil penalties (Section 187.084). All reports of abuse or neglect will be kept confidential, with specific exceptions (Section 187.087).

The Departments of Health and Senior Services, Social Services, and Mental Health must work cooperatively in the investigation of abuse and neglect, when appropriate (Section 187.102).

The term "financial" is included in the definition of abuse and redefines "medical assistance" as any federal health care program (Section 191.900).

The Attorney General, with approval of the court, is allowed to investigate violations of Sections 191.900 - 191.910 or Sections 187.020 - 187.028 (Section 191.910). The provisions of Section 187.020 are included as non-applicable to certain entities, such as hospitals (Section 198.012).

The Director of the Department can compel evidence in inspections or investigations. Failure to comply will be grounds for refusal, revocation, or suspension of a license (Section 198.027).

Written notice of facility noncompliance must be copied to the Attorney General (Section 198.029). Every residential care facility I or II must meet or exceed federal requirements for posting deficiencies (Section 198.030). Sections 187.020 - 187.050 are included in the requirement for confidentiality of resident records (Section 198.032).

One annual state licensure inspection is required of every facility. One or more additional inspections will be required if a facility receives or fails to correct certain deficiencies. A second inspection may be done if a facility changes ownership. This does not prohibit the Department from making other inspections, as necessary (Section 198.033).

The Attorney General is included in provisions allowing a civil action against a noncomplying facility (Section 198.067). It is the intention of the General Assembly to impose civil penalties in cases of more than one violation or a pattern of violations (Section 198.068).

A requirement is added that skilled or intermediate care nursing assistants must complete training within 120 days of employment. The Department must approve all training (Section 198.082).

Currently, Section 198.526 deals with facility inspection procedures. New language provides for immediate termination and a Class A misdemeanor for any Division employee who discloses an inspection time to a facility (Section 198.526).

Providers or employees of SNFs or Alzheimer's units are prohibited from sexual contact with residents. Anyone having sexual contact is guilty of a Class B misdemeanor, with subsequent violations being a Class A misdemeanor. Anyone having sexual intercourse is guilty of a Class D felony, with subsequent violations being a Class C felony. This section does not apply to persons married to a resident (Section 565.200).

A new section provides that no legal privilege, with the exception of attorney/client, will excuse a person's failure to report or cooperate with the investigation of abuse or neglect. All Department personnel shall have access to victim's records, unless otherwise prohibited by federal law (Section 660.030).

The Department must provide certain long term care information over its website, including facility survey results (Section 660.051). The Department must consider a facility's compliance history when issuing or renewing a license (Section 660.083).

All Medicaid participation agreements must include a requirement for abuse and neglect training and access to long term care facilities by the state ombudsman (Section 660.252).

The Department must restructure the adult day care program to allow for a basic level of care without rehabilitative services. The Department should authorize additional reimbursement for transportation, as well (Section 660.401).

Portions of this act are substantially similar to HB 349 (2001).
ERIN MOTLEY

120101 Prefiled

010902 S First Read

011002 Second Read and Referred S Aging, Families & Mental
Health Committee

S42

EFFECTIVE : August 28, 2002

****SB 0671****

SENATE SPONSOR Sims

2783S.01I

SB 671 - This act requires governmental food establishments to give preference to foods containing higher levels of calcium if at the same or lower price than similar products. Such preference is not required, however, if it interferes with patient care. These requirements are in addition to national school lunch requirements and do not apply to contracts entered into before July 1, 2002.

This act contains an emergency clause.
ERIN MOTLEY

120101 Prefiled

010902 S First Read

S42

011002 Second Read and Referred S Public Health & Welfare
Committee

EFFECTIVE : August 28, 2002

****SB 0672****

SENATE SPONSOR Childers

2778S.01I

SB 672 This act establishes a Legislative Academy within the Division of Legislative Research. The Academy is designed to educate members of the General Assembly about the organization and operation of state government, appropriations and various other aspects of the legislative and executive branches, as well as the state constitution. This session of the Academy may be conducted during the interim of each biennium following the first regular session of each General Assembly. Participants are eligible for per diem and expense allowances comparable to session rates. For Senate members attending the Academy, two weeks will be devoted to Senate procedural rules and related matters.

The Academy also would assume responsibility for coordinating the Freshman Orientation mandated by Section 21.183. Currently, the tours for incoming legislators are scheduled by the Appropriations Chairs of the respective chambers.

Finally, the act establishes an Advisory Committee to the Legislative Academy comprised of nine former legislators chosen by the Speaker and President Pro Tem. Duties of the Committee will primarily focus upon programming for Academy curriculum. The provisions establishing the Legislative Academy shall expire on December 31, 2006.

This act is similar to SB 50 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read S42-43
011002 Second Read and Referred S Financial & Governmental
Organizations Committee

EFFECTIVE : August 28, 2002

SB 0673

SENATE SPONSOR Childers

2781S.01I

SB 673 - This act creates the Class C felony of sexual contact with an inmate. A person who is an employee of or assigned to work in any correctional facility who has sexual intercourse or deviate sexual intercourse with an inmate or resident of the facility is guilty of the crime.

This act is identical to SB 414 (2001).
SARAH MORROW

120101 Prefiled
010902 S First Read S43
011002 Second Read and Referred S Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2002

SB 0674

SENATE SPONSOR Childers

2498S.01I

SB 674 - The State Board of Education shall annually establish, by January first of each school year, a schedule of four to six specific professional development days for the next school year.

The Department of Elementary and Secondary Education shall not sponsor, co-sponsor or fund any professional development activities, workshops, conferences and other work sessions for certificated personnel unless the activities occur on the scheduled professional development days for that school year or on Saturdays, Sundays or any day during the months of June, July or August.

This requirement will be effective for the 2003-2004 school year and each school year thereafter, and shall not apply to activities scheduled for the 2002-2003 school year.

This act is similar to SB 101 from 2001.
DONALD THALHUBER

120101 Prefiled
010902 S First Read S43
011002 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2002

SB 0675

SENATE SPONSOR Yeckel

3197S.01I

SB 675 - This act modifies numerous election law provisions.

The act prohibits any person from being a candidate for municipal office if such person has failed to pay municipal taxes or user fees.

The definition of electronic voting is expanded to include computerized voting systems.

In jurisdictions with a board of election commissioners, the act changes the composition of the board to add a non-voting representative from each major political party to participate in discussions of the board.

Provisions relating to the composition and party affiliation of election judges are modified. Additionally, election judges will no longer count ballots based on the voter's intent.

The act prohibits any employer from taking an adverse action against an employee based on the employee's service as an election judge.

Election authorities shall establish an early voting system.

Voter registration agencies are required to transmit all voter registration applications to the appropriate election authority within five business days.

Certain individuals are exempted from the public disclosure of their residential addresses.

The Secretary of State shall promulgate rules to allow the use of a computerized voting systems, rules to create uniform standards for ballot counting, and may develop multilingual sample ballots and instructions. The Secretary of State shall oversee elections and ensure election laws are enforced. The Secretary of State shall have subpoena power in order to determine if election law violations have occurred.

The ability to cast absentee ballots in certain situations is expanded.

Butterfly ballots shall not be used without prior approval from the Secretary of State.

Currently, it is a criminal misdemeanor to conduct certain

types of activities within 25 feet of a polling place. The act changes the distance to 50 feet. The act creates an additional criminal misdemeanor for certain public employees who electioneer while wearing some object or clothing which identifies them as a public employee.

The Attorney General shall have authority to prosecute allegations of election irregularity and fraud.

The act establishes a system of provisional voting in cases where the eligibility of a voter cannot be immediately established.

Numerous matching grants of up to five million dollars are created for election authorities to upgrade and improve the voting process or equipment, and to increase the compensation of election judges to at least seven dollars per hour.

JIM ERTL

120101 Prefiled
010902 S First Read S43
011002 Second Read and Referred S Financial & Governmental
Organizations Committee

EFFECTIVE : August 28, 2002

SB 0676

SENATE SPONSOR Yeckel

3202S.01I

SB 676 - This act modifies the World War II medallion program. It expands the program to all who served in World War II and not just those veterans still living. The time limit for applying for the medal has been removed as well as the language which causes appropriated money to revert at the end of the program.

This act also revises transfers made to the Veterans' Commission Capital Improvement Trust Fund. The Veteran's Commission Capital Improvement Trust Fund will split the remaining proceeds of casino entrance fees with the Early Childhood Development, Education and Care Fund. The Veterans' Commission Capital Improvement Trust Fund is currently capped at \$3 million.

CINDY KADLEC

120101 Prefiled
010902 S First Read S43
011002 Second Read and Referred S Financial & Governmental
Organizations Committee

EFFECTIVE : August 28, 2002

****SB 0677****

SENATE SPONSOR Yeckel

3203S.01I

SB 677 - This act allows a tax credit for contributions to support unplanned pregnancy resource centers. The credit is for 50% of the contribution, cannot exceed \$50,000 per year, is not refundable but can be carried forward. No more than a total of \$2 million may be claimed in credits in any one year. An unplanned pregnancy resource center is a non-residential facility that provides assistance designed to support women and encourage birth over abortion. The center must be tax exempt, must provide direct person-to-person counseling at no cost, and cannot provide abortion referrals.

JEFF CRAVER

120101 Prefiled

010902 S First Read

S43

011002 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2002

****SB 0678****

SENATE SPONSOR Bland

2863S.01I

SB 678 - This act provides that charter schools shall be subject to the same accreditation standards and accreditation process currently applied to other public schools.

This act is identical to SB 53 (2001).

DONALD THALHUBER

120101 Prefiled

010902 S First Read

S43

011002 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2002

****SB 0679****

SENATE SPONSOR Bland

2903S.01I

SB 679 - This act establishes a Planning Commission for the Kansas City Missouri School District (KCMSD).

The Planning Commission shall consist of 15 members, including certain ex-officio members and members appointed to represent various interests. The appointed members shall be KCMSD residents.

The Commission shall conduct research, review and evaluation

of key issues related to KCMSD and make recommendations for ways that the district may improve education, improve student performance and meet requirements applicable to school districts.

The act creates an Advisory Committee which shall serve as a liaison between the Commission and the community. The Advisory Committee shall seek public input and ideas to help the Commission in its efforts.

The State Board of Education may adopt an alternative plan whereby an unaccredited school district may return to accredited status, which may take more than two years, provided that the district annually meets all terms and conditions of the plan.

This act is identical to SB 630 (2001).
DONALD THALHUBER

120101 Prefiled

010902 S First Read

S43

011002 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2002

SB 0680

SENATE SPONSOR Bland

3128S.01I

SB 680 - This act creates the Missouri Council on Obesity Prevention and Management within the Department of Health and Senior Services. The council will exist until August 28, 2004, and duties will include:

- Collecting data regarding obesity in Missouri;
- Listing programs and services available to overweight children and adults;
- Listing funds available for such services;
- Collecting data to demonstrate economic impact of not treating obesity;
- Identifying barriers to prevention and management of obesity;
- Identifying recommendations to increase prevention and management.

The Council must coordinate with various federal and state departments to ensure a comprehensive approach to obesity prevention and management. A report must be submitted to the Governor and House and Senate appropriations committees by August 28, 2004. The Council will consist of twenty-one members and must meet by October 1, 2002, and at least quarterly thereafter. The director of the Department of Health and Senior Services will be the chair. By January 1, 2003, the Department must establish a resource databank containing information about obesity and related subjects.

In addition, subject to appropriations, school districts

must undertake initiatives to create healthy school nutrition environments, which are defined as those in which nutrition and physical activity are emphasized in school and at home. Districts should include quality school meals based on USDA dietary guidelines, other healthy food options, relaxed eating experiences, nutrition education, and appropriate marketing.
ERIN MOTLEY

120101 Prefiled
010902 S First Read S40
011002 Second Read and Referred S Public Health & Welfare
Committee

EFFECTIVE : August 28, 2002

SB 0681

SENATE SPONSOR Stoll

3130S.01I

SB 681 - This act pertains to adjustments in the Outstanding Schools Act state aid formula. The act will yield a more accurate indicator of the true growth of a district's free and reduced lunch population by excluding the desegregation students from the 1997-1998 line 14a calculation. This exclusion will calibrate the artificially inflated 1997-1998 line 14 numbers so any subsequent growth in a district's free and reduced lunch population will be represented in the finance formula.

Also, the act would attempt to repair a "glitch" in the state aid formula. Currently, an unintended consequence of the formula penalizes school districts which set their levies between 2.75 and 2.93 by reducing their share of state funding. This act prescribes that no school district will receive less on line 14 (a&b) than it would if that district's levy was no greater than 2.75. In other words, school districts would not be penalized for raising levies in excess of 2.75.
DONALD THALHUBER

120101 Prefiled
010902 S First Read S43
011002 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2002

SB 0682

SENATE SPONSOR Stoll

2473S.01I

SB 682 - This act authorizes Jefferson County to enact ordinances to provide for the abatement of debris on any lot or land. Jefferson County may enact an ordinance, which provides that if the owner does not remove the nuisance within seven days of receiving notice of the nuisance. The building commissioner

or designated office may have the condition removed and the cost of such removal may be included in a special tax bill or added to the annual real estate bill for the property.

JIM ERTLE

120101 Prefiled

010902 S First Read

S43

EFFECTIVE : August 28, 2002

SB 0683

SENATE SPONSOR Stoll

2799S.01I

SB 683 - This act authorizes the governing body of the City of Festus (Jefferson County) to place a question before the voters regarding imposition of a hotel-motel tax of between 2% and 5% for the promotion of tourism.

JEFF CRAVER

120101 Prefiled

010902 S First Read

S43

EFFECTIVE : August 28, 2002

SB 0684

SENATE SPONSOR Steelman

2665S.01I

SB 684 - This act modifies the reporting of elder abuse and neglect and the provision of in-home services to the elderly. Definitions are added to Section 660.250, RSMo, for "home health agency", "home health agency employee", and "home health patient".

A new section provides that all Medicaid agreements between providers and the Department must include a requirement for each direct care worker to be trained in abuse and neglect identification, prevention, and reporting. This will be included in the workers' current initial training requirement (Section 660.252). Currently, the Department must perform certain duties upon receipt of an abuse report. New language requires prompt investigation of reports and investigation within twenty-four hours of reports that indicate clear danger to the client (Section 660.260).

Currently certain persons are required to report any elder abuse or neglect of in-home services clients. New language adds in-home services providers, employees of area agencies on aging (AAA) or organized AAA programs, funeral directors, and embalmers. If a physician makes an initial report, then the Department must maintain contact with the physician regarding the investigation. When a report of abuse or neglect of an in-home

services client is received, the client's case manager and the Department nurse must investigate and immediately report the results to the Department nurse. The Department may allow the provider's nurse to assist the case manager. Subsection 3 requires local area agencies on aging to provide volunteer training to all required reporters regarding the detection and report of elder abuse (Section 660.300.1 - .11).

Currently, any person who knowingly abuses or neglects a client is guilty of a Class D felony. New language allows administrative penalties of up to \$1000 per violation for the in-home services provider if an employee is found guilty of a violation and if the provider did not report the abuse to the Department. Providers may seek administrative review of the decision. Violation is defined as a determination of guilt. The Department must establish a quality assurance and supervision process. The process must require random visits or other approved methods to verify provider compliance and the accuracy of records.

The Department is currently required to maintain an employee disqualification list of persons who have abused or neglected in-home services clients. New language provides that an in-home services provider will be guilty of a Class A misdemeanor for knowingly employing a person who is on the disqualification list, who refuses to register with the Family Care Safety Registry, or who is listed on any of the background check lists in the Registry (Section 660.300.12 - .13).

Once a client is assessed for level of care, the Department must conduct a "Safe At Home" evaluation. The plan of service for each client should be authorized by a nurse and the in-home services provider nurse may conduct the assessment. Other departments may be consulted on a case-by-case basis. The Department may also refer any client to a mental health professional, if necessary. All clients will be advised of their rights at the initial evaluation, including the right to call the Department for any reason (Section 660.300.14 - .16).

The Department must refer all suspected cases of elder abuse to law enforcement to jointly determine when protective services are needed. Both groups must require training regarding the handling of elder abuse cases and must develop a checklist (Section 660.302).

Section 660.058 is repealed due to unnecessary enactment in 1999. This act is substantially similar to SB 60 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S43

EFFECTIVE : August 28, 2002

SB 0685

SENATE SPONSOR Steelman

2655S.03I

SB 685 - This act revises various provisions relating to public records. When investigating a death, the coroner's or medical examiner's office shall make certain information available as an incident report within 72 hours of death. The act defines a public governmental body to specifically include the Curators of the University of Missouri, as well as a Bi-State Development Agency.

Currently, any votes taken during a closed meeting shall be by roll call. The act extends this requirement to open meetings as well, except for votes on procedural or ministerial matters. Meetings relating to legal actions, imminent causes of action or litigation involving a public governmental body may be closed. Any vote regarding leasing or purchasing of real estate shall be made public upon execution of the lease or sale.

Currently, salaries and length of service of employees of public agencies may not currently be closed. The exception allowing confidential communications with the auditor of a public governmental body to be closed shall not include any completed audit report. The act provides a method for any member to record an objection to closing the meeting. The act requires production of public records. Fees for copying shall not exceed the amounts charged for copies by the Secretary of State.

A public governmental body shall cooperate if the Attorney General attempts to resolve a written complaint. In determining compliance, the Attorney General shall be entitled to copies of records, excepts those of privileged communications. Records identified by the public body as closed shall remain so, except that the Attorney General may use such records in a court proceeding to enforce compliance.

The penalty for any violation shall range from \$0 to \$2,500, but shall not be more than 5 percent of the body's total annual budget. If the court finds there was a knowing violation, the court may order the payment of attorney's fees and costs. Currently, any person may request a law enforcement agency to open incident reports and arrest records that are unlawfully closed. If the court finds there was any violation, the same penalties listed above apply.

In a criminal proceeding where no conviction results, the court's judgment or order or the final action taken by the prosecuting attorney may be accessed. The act deletes the provision prohibiting law enforcement from releasing accident or incident report to any person who is not an interested party for 60 days.

The act is similar to the perfected SB 375 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

S43

EFFECTIVE : August 28, 2002

SB 0686

SENATE SPONSOR Steelman

3178S.01I

SB 686 - This act establishes that all pleadings, motions and other documents filed in civil cases are open public records, with limited exceptions. Certain records which are sealed under current law, such as records in juvenile cases and records of judicial disciplinary complaints where a investigation is conducted and no formal case is filed, remain sealed. The act authorizes judges to order that records be sealed if the requesting party can show that the request is narrowly tailored and that no less restrictive means exist to protect disclosure of prejudicial or confidential information and that: (a) the information is a trade secret; (b) the information would cause undue harm to a party; and (c) an interest exists which substantially outweighs the right of public access to the information.

CINDY KADLEC

120101 Prefiled
010902 S First Read

S43

EFFECTIVE : August 28, 2002

SB 0687

SENATE SPONSOR Gibbons

2635S.01I

SB 687 - This act creates the "Safe Place for Newborns Act of 2001". A new Section 210.950 is created to protect parents from liability for leaving a newborn child if:

The child is left in the custody of a hospital staff member or volunteer;

The child is no more than 5 days old; and

The child has not been physically abused by the parent.

The hospital must perform any necessary treatment to protect the child's health or safety and a parent's voluntary delivery of the child to the hospital is implied consent to medical treatment. The hospital must notify the Division of Family Services (DFS) when the child is ready for discharge. Within one business day of notification, DFS must take custody of the child. DFS must provide information about this process on its toll-free number or through brochures and pamphlets.

Currently, Section 568.030, RSMo, creates the crime of abandonment of a child in the first degree. Section 568.045, RSMo, currently creates the crime of endangering the welfare of a child in the first degree. Section 568.050, RSMo, creates the crime of endangering the welfare of a child in the second degree. New language to all three of the above sections allows an affirmative defense if the defendant voluntarily delivered the child to a medical facility.

This act is substantially similar to SB 66 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S43

EFFECTIVE : August 28, 2002

SB 0688

SENATE SPONSOR Gibbons

3199S.01I

SB 688 - This act makes several modifications to the law of property reassessment, including:

Current law requires that reassessment of property occur every 2 years. This act lengthens the reassessment cycle to once every 5 years. Current law also requires that if the assessor increases the assessed valuation of a parcel of real property by more than 17%, the assessor shall perform a physical inspection of the property. This act reduces the 17% threshold to 5%. The owner of a parcel of property which is to be physically inspected has the right to request an interior inspection as a part of the physical inspection. The act defines the minimum requirements of a physical inspection and prohibits the use of so-called "drive-by inspections" (Section 137.115).

The above-described portion of the act has an effective date of January 1, 2003 (if approved by voters in November 2002), and applies to all taxable years beginning after December 31, 2002.

The act also clarifies that if a property owner appeals an assessed valuation figure, the assessor's office has the burden to prove that the assessed valuation accurately reflects market value. The assessor also carries the burden to prove that any required physical inspection met the statutory requirements. In the event the assessor fails to carry his or her burden regarding the physical inspection, the property owner prevails on the appeal as a matter of law (Section 138.060).

In the event the property owner prevails on the appeal of an assessed valuation of property, the property owner shall be awarded reasonable appraisal expenses, attorney fees and court costs (Section 138.435).

The act has a referendum clause.

JEFF CRAVER

120101 Prefiled
010902 S First Read

S43-44

EFFECTIVE : August 28, 2002

SB 0689

SENATE SPONSOR Gibbons

3180S.01I

SB 689 - This act creates "Project Exile", a program requiring the state to review certain weapons offense cases for the possibility of federal prosecution, if it appears that federal prosecution is reasonably likely to result in more restrictive bail, stricter enforcement or greater penalties.

The act is similar to a provision of SB 439 (2001).
SARAH MORROW

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0690

SENATE SPONSOR Gross

2619S.01I

SB 690 - This act adds the Chief Information Officer as a member of the State Records Commission. The Chief Information Officer is the head of the Office of Information Technology.

This commission has the duty to determine what records no longer have any administrative, legal, research or historical value and should be disposed of.
CINDY KADLEC

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0691

SENATE SPONSOR Gross

2666S.01I

SB 691 - This act exempts the homestead of persons who are over the age of 65 from increases in assessments for as long as they own the property. It applies only to the owner's principal residence and a married couple is eligible when one is aged 65 or

older.

Application is made to the County Clerk and shall be made by June 1 of the year before the exemption is applicable. The Clerk must verify the application and notify affected political subdivisions of the exemption.

The counties shall make a payment in lieu of taxes to compensate for the amount that would otherwise go to the Blind Pension Fund. The State Tax Commission shall estimate the financial impact of this act and the State of Missouri shall hold political subdivisions harmless for any revenue lost as a result of this act. If the General Assembly determines that there is insufficient total state revenue to reimburse the political subdivisions, it may declare that there will no homestead exemption for the following year.

This act is similar to SCS/SB 67 (2001).
JEFF CRAVER

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0692

SENATE SPONSOR Gross

3129S.01I

SB 692 - This act would require school board to establish the daily observance of one minute of silence in each classroom. The teacher is responsible for maintaining order and silence in the classroom.

CINDY KADLEC

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0693

SENATE SPONSOR Dougherty

2740S.01I

SB 693 - This act increases the foster care reimbursement and adoption subsidy rates over a period of three years. Currently, Sections 210.536 and 453.073, RSMo, require the Division of Family Services to pay for the cost of foster care and to grant adoption subsidies. Beginning in fiscal year 2004, new language requires the incremental increase of the foster care reimbursement rate and the adoption subsidy rate over three years. Both rates shall be increased until they meet or exceed rates established by the United States Department of Agriculture.

This act is similar to SB 410 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0694

SENATE SPONSOR Dougherty

2749S.01I

SB 694 - Currently, the Division of Family Services makes reasonable efforts to prevent or eliminate the need for removal of the child from a home. This act does not require such effort when a child is abused by a person other than the parent and circumstances indicate the parent knew or should have known about it. Section 211.183, RSMo, currently defines "reasonable efforts" as reasonable diligence and care by the Division of Family Services to utilize all available resources to meet the needs of the juvenile and the family.

This act is identical to SB 528 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0695

SENATE SPONSOR Dougherty

2742S.02I

SB 695 - This act expands the Children's Trust Fund Board from seventeen to twenty-one members. The four additional members will be chosen and appointed by the Governor.

This act is identical to SB 464 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0696

SENATE SPONSOR Cauthorn

3161S.01I

SB 696 - This act requires performance-based budget reviews of every department, division or agency of state government at least once every 5 years.

CINDY KADLEC

120101 Prefiled

010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0697

SENATE SPONSOR Cauthorn

2397S.02I

SB 697 - This act revises provisions relating to rural school districts. A rural school district is defined as any school district which:

- (1) Contains any part of either a third or fourth class county;
- (2) Has a current assessed valuation which is less than thirty million dollars; and
- (3) Has a current membership which is less than or equal to six hundred pupils.

The distribution of Free Textbook funds pursuant to Section 148.360, RSMo, is revised to increase distribution to rural school districts, especially those with an enrollment of 100 pupils or less, by doubling the pupil weighting of the first 100 pupils in a rural school district. The weighting for the remainder of the pupil count for a rural school district is reduced so that at the maximum membership of 600 pupils, the Free Textbook payment for a rural school district is the same as for any other district with that same membership.

The act creates a program of signing bonuses for newly-hired teachers in rural school districts. An annual signing bonus of \$2000 will be given for a period of up to five consecutive years, provided the teacher is employed in the current year with a rural school district in a full-time teaching position.

A "newly-hired teacher" must be employed by the district as a full time teacher for the first time in the current school year, beginning no later than February first. Neither a substitute teacher nor any teacher who has been a "newly-hired teacher" in a previous school year is eligible to be a "newly-hired teacher".

The signing bonus shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers

receiving the signing bonus shall receive any pay and benefits received by teachers of similar training, experience, and duties. The signing bonus shall be provided no later than one month following the commencement of employment as a newly-hired teacher.

Any rule created under this act shall become effective only if it complies with chapter 536, RSMo.
CINDY KADLEC

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0698

SENATE SPONSOR Cauthorn

2350S.01I

SB 698 - This act authorizes covenant marriages and only applies to newly married couples.

A couple wanting to contract a covenant marriage must state this intent on their application for a marriage licence. Before the recorder of deeds may issue such license, the couple must file a declaration of intent to contract a covenant marriage. This declaration must include:

- (1) A recitation that the couple is committed to a lifelong marriage;
- (2) An affidavit from the couple that they have engaged in pre-marital counseling, including a discussion of the legal requirements for covenant marriages; and
- (3) A notarized attestation from the counselor that the couple engaged in pre-marital counseling and discussed the Covenant Marriage Act.

Divorces will not be granted to couples with covenant marriages unless the couple seeks marital counseling and the spouse petitioning for the divorce proves that the other spouse committed adultery, committed certain crimes, abandoned the marital home, or lived separately from the petitioning spouse for two years (or one year after a legal separation is granted).

The State Courts Administrator shall develop a pamphlet entitled the "Covenant Marriage Act" outlining the terms and conditions of covenant marriages. This pamphlet shall be available at all locations where applications for marriage licenses are available. The State Courts Administrator currently has the duty to create a handbook outlining child custody and support issues which is given to divorcing couple.
CINDY KADLEC

120101 Prefiled

010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0699

SENATE SPONSOR Wiggins

2528S.01I

SB 699 - This act provides various forms of economic stimulus to the commercial airline industry in Missouri following the airline hijackings and attacks of September 11, 2001.

The act allows taxpayers a deduction from their Missouri adjusted gross income for the cost of airline tickets purchased for flights occurring between January 1, 2002 and December 31, 2003. It also creates a sales tax exemption for passenger tickets sold for commercial airline flights (this provision sunsets on 12/31/2003).

The act places a 2-year moratorium on corporate franchise taxes for commercial airline companies operating in Missouri. It also allows airline companies to defer payments of corporate income taxes and wage withholding taxes for up to 180 days (this provision sunsets on 12/31/2003).

The act temporarily expands the existing sales and use tax exemption for jet fuel. For a 2-year period, the act removes the \$1.5 million threshold amount that airline companies must pay before qualifying for the sales tax exemption on jet fuel.

The act temporarily expands the existing sales and use tax exemption for purchase and storage of tangible personal property by commercial airlines. For a 2-year period, the act removes the \$300,000 annual cost of qualifying for this exemption. The act also removes the exception for catered food and beverage products.

The act allows a tax credit for commercial airline companies for the cost of training their employees in airline flight security, airport security, and passenger and baggage screening. The credit may be in an amount up to \$1,500 per employee per year and has an aggregate annual cap (maximum cost to the state) of \$1.5 million.

The act has an emergency clause.
JEFF CRAVER

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : Varies

SB 0700

SENATE SPONSOR Wiggins

2807L.01I

SB 700 - This act addresses "dram shop" liability. The act finds that the consumption of intoxicating beverages, rather than the sale or serving of such beverages, is the proximate cause of any injury inflicted by an intoxicated person. No person licensed to sell intoxicating liquor by the drink, or any agent or employee of such person, or any social host, who lawfully sells or serves intoxicating liquors shall be liable to any person for any injury suffered off the licensed premises due to intoxication. No social host who owns or leases a premises on which intoxicating liquors are consumed, in the absence and without consent of the host, shall be liable for injuries caused by an intoxicated person.

This act is similar to SBs 453 & 248 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

SB 0701

SENATE SPONSOR Wiggins

2603S.01I

SB 701 - This act modifies the law regarding the issuance of pilot licenses. Under the current law, it is unlawful for anyone to fly a plane with a pilot's license issued by the Department of Commerce. This statute has not been amended since 1939. The Department of Commerce is no longer the agency responsible for issuing such licenses. Pilot licenses are referred to as airmen certificates under federal law, and the Federal Aviation Administration is the agency responsible for their issuance. This act modifies the law to reflect the current status of the law.

STEPHEN WITTE

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

****SB 0702****

SENATE SPONSOR Caskey

3043S.01I

SB 702 - This act creates the "Older Visually Impaired Missourians Fund" to be used for services to those who have experienced irreversible vision loss. A new Section 209.343 is created for the Fund, which will be administered by Rehabilitation Services for the Blind. Subject to availability of funds, the Department of Social Services must develop a program to provide specific services, such as screening, treatment, training, and public education. The Department may contract for such services and may make rules for the program.
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

****SB 0703****

SENATE SPONSOR Caskey

2957S.01I

SB 703 - This act revises the tinted window law. This act reinstates a permit process so that people with serious medical conditions can have darker tinted windows immediately to left and right of the driver. The act also reinstates the rulemaking authority removed by SB 244 and also allows immediate family members to drive the vehicle of the permit holder. This act removes the requirement that motor vehicles which violate the tinted window law fail a motor vehicle inspection.

Under the current law, the front windshield may not be tinted at any level. The rest of motor vehicle may be tinted at a level of 35%

Under the proposed act, the front windshield may not be tinted while the sidewing vents and windows immediately to right and left of the driver may be tinted at 35%. A darker tint may be applied with a medical permit. Windows to the rear of the driver may be tinted at any level.

This act contains an emergency clause.

STEPHEN WITTE

120101 Prefiled
010902 S First Read

S44

EFFECTIVE : August 28, 2002

****SB 0704****

SENATE SPONSOR Caskey

2963S.01I

SB 704 - This act lowers the felony stealing limit from \$750 to \$500, and raises the felony limit for numerous other crimes involving theft from \$150 to \$500. The other criminal statutes affected are: making a false statement to receive health care payment; sale of any species of wildlife; tampering with computer data; tampering with computer equipment; tampering with computer users; determination of value; receiving stolen property; alternation or removal of item numbers with intent to deprive rightful owner; passing bad checks; fraudulently stopping payment on an instrument; fraudulent use of a credit device; library theft; theft of cable television service; failure to return rented personal property; unlawful receipt of food stamps or ATP cards; unlawful conversion of food stamps or ATP cards; unlawful transfer of food stamps or ATP cards; and perjury, committed when obtaining public assistance.

The act is identical to SB 458 (2001).
SARAH MORROW

120101 Prefiled
010902 S First Read

S44-45

EFFECTIVE : August 28, 2002

****SB 0705****

SENATE SPONSOR Russell

2845S.02I

SB 705 - This act allows departments and divisions to exempt supervisors, management, professional staff, park rangers, capitol police, security guards and certain employees from union membership.
ERIC ROSENKOETTER

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

****SB 0706****

SENATE SPONSOR Russell

2763S.01I

SB 706 - Supreme Court Rule 5.29 allows non-attorney representation proceedings before the state Division of Employment Security.

This act also allows non-attorney representation proceedings

before the Administrative Hearing Commission and the Division of Labor and Industrial Relations in workers' compensation cases, to allow non-attorney officers and employees of businesses to legally represent the business in these additional forums.

This act is similar to SB 77 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read S45

EFFECTIVE : August 28, 2002

SB 0707

SENATE SPONSOR Russell

2759S.01I

SB 707 - This act disqualifies a person from receiving unemployment benefits for failing or refusing to take a test for controlled substances. Under this act, such failure or refusal constitutes misconduct connected with the person's work. For a first offense, the person will be disqualified from receiving benefits for not less than 6 weeks nor more than 16 weeks. For a second or subsequent discharge related to failing or refusing to take a drug test, the person will be disqualified from receiving benefits for a period of 26 weeks.

STEPHEN WITTE

120101 Prefiled
010902 S First Read S45

EFFECTIVE : August 28, 2002

SB 0708

SENATE SPONSOR Mathewson

2598S.01I

SB 708 - This act would revise the selection criteria for the Clean Water Commission.

The Commission is increased to seven members and must have exactly two members who are knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs in a manner consistent with state law. The act requires that the Commission also include one member knowledgeable of publicly-owned treatment works.

The act also requires that all new members shall have demonstrated an interest and knowledge about water quality and shall be qualified to provide, assess and evaluate relevant information about water quality, financial requirements and the effects of standards and rules.

This act is identical to SCS/SB 15 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0709

SENATE SPONSOR Goode

3213S.01I

SB 709 - This act revises the sunshine law in the following manner:

- Allows disclosure of certain information for collections pursuant to section 288.170 (MOST fund);
- Includes a bi-state development agency in the definition of "quasi-public governmental body";
- Any votes taken during a closed or open meeting shall be by roll call, except on unanimous votes of the members present;
- Clarifies that votes taken by a public body in a closed meeting regarding legal actions, the acquiring of real property, or personnel matters must be taken by roll call vote and the results of the vote be made public;
- No vote may be closed without an affirmative vote of the body;
- Requires production of public records, and the fees for copying shall not exceed the amounts charged by the Secretary of State;
- Authorizes the Attorney General to attempt to resolve disputers or complaints, and to review open and closed records, except for privileged communications. Closed records shall remain closed, unless the Attorney General determines that closure was unlawful, in which case he shall be entitled to use the records in an action to enforce the Sunshine Law;
- Allows civil penalty if governmental body has "knowingly" violated act, and increases the penalty from \$500 to \$2500.

Provisions of this act are similar to SB 19 (2001)
CINDY KADLEC

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0710

SENATE SPONSOR Goode

2936S.03I

SB 710 - This act raises additional revenues for transportation purposes.

GASOLINE TAX - Phases in a 6-cent gas tax over 6 years beginning on the effective date of this act.

SALES TAX - Increases the General Sales Tax by 5/16 of one percent.

DIVERSION OF HIGHWAY REVENUES FROM AGENIES - Eliminates funding from the State Highways and Transportation Fund to other state agencies except for the Highway Patrol. This act also states that all state agencies whose revenues are eliminate from this fund will be compensated from the increase in the sales tax and other sources the General Assembly may decide to appropriate.

MOTOR VEHICLES SALES TAX - This section diverts the half of the sales tax on motor vehicles that is distributed to general revenue will be credited to the state transportation fund (226.225 - nonhighway purposes).

REGISTRATION FEES - Raises registration fees to meet the 2000 Consumer Price Index.

REFERENDUM CLAUSE - States that this act shall become effective on the first calendar quarter that begins 45 days or more after voter approval.

The act is similar to SB 450 (2001).
STEPHEN WITTE

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0711

SENATE SPONSOR Goode

2457S.02I

SB 711 - This act gives the power of eminent domain to towns and villages.

CINDY KADLEC

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0712

SENATE SPONSOR Singleton

3084S.03I

SB 712 - This act creates the "Missouri State Emergency Health Powers Act" within a new Chapter 38.

Definitions are provided for related terms, including "bioterrorism", "health care facility", and "public health emergency" (Section 38.100).

Health care providers, coroners and medical examiners must report all cases of suspicious health conditions that may be potential causes of a public health emergency. Pharmacists must report unusual increases in prescriptions for certain medications. Veterinarians or others caring for animals must report suspicious health conditions in animals. A report must be made within twenty-four hours to the Department of Health and Senior Services or a designated public health authority (Section 38.103).

The public health authority must review and investigate all suspicious health conditions and identify exposed individuals. Any order given by the public health authority will be immediately enforced by the public safety authority (Section 38.106).

Notification procedures are outlined for public health and public safety authorities upon the occurrence of suspicious events or conditions. Information sharing is restricted (Section 38.109).

The Governor is required to declare a state of public health emergency upon the occurrence of suspicious health conditions and events that pose a substantial risk of significant fatalities or disabilities. The Governor shall consult with the public health authority, but may act without consultation if necessary (Section 38.112). The emergency shall be declared by an executive order giving details of the emergency (Section 38.115).

Declaration of an emergency will activate disaster response and recovery plans. The deployment and use of forces, supplies, etc. is authorized. The Governor may suspend state business, utilize state resources, mobilize militia, and provide and seek aid. The public health authority will have responsibility for coordinating the response. After declaration, special identification must be issued for public health personnel to indicate their authority to exercise emergency powers during such time (Section 38.118). During an emergency, the public health authority may request assistance from the public safety authority who may, in turn, request assistance from the militia (Section 38.121).

The Governor must terminate the state of emergency upon finding that the incidents no longer pose a substantial risk to the public. An emergency will automatically terminate 30 days

after declaration unless renewed by the Governor. The General Assembly may terminate an emergency 60 days after declaration upon finding a substantial risk no longer exists (Section 38.124).

Sections 38.127 - 38.136 give the public health authority certain powers during an emergency to:

- Close or decontaminate dangerous facilities or materials;
- Use facilities, materials, roads, or public areas;
- Safely dispose of infectious waste;
- Safely dispose of corpses.

The public health authority is allowed to purchase and distribute medications and other supplies as necessary to control an emergency, without additional legislative authorization. The public health authority may regulate the use of such products and may give preference to individuals directly involved with the emergency. If other states are affected, this section may not be construed to allow the hoarding of medications or supplies (Section 38.139).

The state must compensate the owner of any facilities or materials that are used by the public health authority during an emergency. Compensation will not be paid if the facility or materials endanger public health (Section 38.142). Prior to the destruction of dangerous property, if possible, the public health authority must institute civil proceedings for the property to be destroyed (Section 38.145).

During an emergency, the public health authority must use all available means to prevent and control the transmission of infectious diseases (Section 38.148). The public health authority will have emergency powers to compel a physical examination of a person, require any physician to perform the exam, and immediately enforce such orders (Section 38.151).

It is the state's public policy to preserve the dignity of isolated or quarantined individuals during an emergency. Adequate necessities shall be provided. Certain emergency powers over such individuals will apply and their failure to follow the authority's provisions will constitute a misdemeanor. No person may enter quarantined premises without permission. Before quarantine, the public health authority must obtain an ex parte order, unless the person poses an immediate threat to public health. Quarantined individuals have the right to a court hearing to contest the order, but may not stay the order of quarantine. After 30 days, continuing quarantine may also be contested and remedies may be sought for treatment during quarantine (Section 38.154).

The public health authority will have emergency powers to compel the vaccination and treatment of a person. Individuals refusing will be guilty of a misdemeanor and may be quarantined if they pose a public health risk (Section 38.157).

During an emergency, the public health authority may collect

specimens and perform tests on any person or animal. Chain of custody procedures must be used. Any person or agency authorized to collect specimens or perform tests must provide support in future criminal investigations, if necessary (Section 38.160).

Access to health information of patients will be limited to those with a legitimate need. The public health authority will not disclose information without the patient's informed consent, with certain exceptions (Section 38.163).

The public health authority will have emergency powers to license health personnel, including out-of-state emergency health care providers, and appoint emergency coroners and medical examiners. The authority may terminate a temporary license at any time, but licensure may not continue past the expiration of the emergency. No liability will result from medical care or treatment performed by out-of-state providers during the emergency, unless there is evidence of reckless disregard (Section 38.166).

The public health authority is responsible for notifying the public of the emergency and instructing them on further action (Section 38.169). During and after an emergency, the public health authority must provide information about mental health support and treatment (Section 38.172).

The Governor shall appoint a public health emergency planning commission (Section 38.175). Within six months of appointment, the Commission must deliver a plan to the Governor for responding to an emergency. Provisions are specified (Section 38.178).

The public health authority is authorized to make rules (Section 38.181).

The Governor may transfer funds as necessary to deal with the emergency, if certain conditions are met. All monies must be repaid. Expenses must be approved by the Governor and may not exceed an amount determined by the General Assembly each fiscal year (Section 38.184).

No liability will exist against certain entities and persons for complying with these sections (Section 38.187). Compensation will be paid to persons only if private property is lawfully taken by a public health authority during an emergency. Actions may be brought against the state. Compensation will be calculated in the same manner as for the taking of property through non-emergency eminent domain (Section 38.190). A severability and preemption clause are provided (Sections 38.193 and 38.196).

These sections do not restrict anyone from complying with federal law. These sections will apply in the event of a conflict with other state or local laws (Section 38.199).

Ninety days after the enactment of these sections and every year thereafter, the Governor must make a report to the General

Assembly including a specific description of the implementation of the law (Section 38.202).

This act contains an emergency clause.
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0713

SENATE SPONSOR Singleton

2660S.01I

SB 713 - This act clarifies the use of non-compete clauses in contracts between physicians and hospitals.

A new Section 334.113 is created and makes covenants not to compete enforceable except when they are part of a physician's contract with a not-for-profit health services corporation as defined in section 354.010. Covenants with other health care facilities are enforceable as long as they:

1. Do not deny the physician access to a list of patients the physician had seen within a year of termination;
2. Provide access to patient medical records with the patient's consent and in an accessible format;
3. Provide for a buy out of the covenant by the physician at a reasonable price; and
4. Provide that the physician will not be prohibited from providing continuing treatment to specific acutely ill patients after the contract has terminated.

This act is similar to SB 558 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0714

SENATE SPONSOR Singleton

2938S.03I

SB 714 - This act allows the state to temporarily license certain health care practitioners in an emergency. Currently, Section 190.500, RSMo, allows a twelve-month temporary license for a health care practitioner licensed in another state who is

acting under military orders and is enrolled in a trauma and disaster response training in this state.

This act adds a third category to also allow temporary licensure of a health care practitioner licensed in another state and acting pursuant to a Governor's declaration of a state public health emergency. Temporary licensure for this category will be issued for a two-week period and, after verification of qualifications, may be reissued every two weeks. Licensure information for all three categories may be obtained by any means, including electronic mail.

ERIN MOTLEY

120101 Prefiled

010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0715

SENATE SPONSOR Rohrbach

3080S.02I

SB 715 - This act creates the Environmental Regulation Consistency Act. It provides that the Department of Natural Resources and the regulatory commissions within the Department may adopt rules to ensure the state complies with applicable federal law and regulations. The act revises rulemaking authority in the following areas: air pollution, water pollution and underground storage tanks, hazardous waste, surface mining and land reclamation, drinking water and solid waste.

The rules shall not be stricter than those required under federal law and regulations nor enforced in any part of the state prior to the time required under federal law and regulations, unless the Department or Commission makes specific findings based upon competent and substantial evidence in the administrative record.

The findings must include:

- 1) Missouri-specific circumstances may cause harm to human health and the environment; and
- 2) Either:
 - a) The circumstances are not subject to any federal law or regulation; or
 - b) The existing federal law and regulations are not sufficient to adequately protect human health and the environment; and
- 3) A more restrictive rule is necessary to address the circumstances.

The Department or commission shall publish, in the administrative record and in the Missouri Register, findings of fact regarding the circumstances or conditions causing harm, the nature and scope of harm and health-based or science-based reasons justifying why the more restrictive rule will prevent or

alleviate the harm. The fiscal note for the rule shall contain a consideration of the effects on human health and the environment, economics, pollution prevention and the effectiveness and cost of control methods required by the rule.

Any more-restrictive rule promulgated without complying with this act shall be void.

The act also removes general authority for affected parties to appeal decisions of the Director of the Department to the relevant board or commission.

The act is similar to SB 750 (2000) and SB 300 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0716

SENATE SPONSOR House

2645S.01I

SB 716 - This act exempts certain residential property from increases in assessed valuation. To qualify for this "assessment freeze", the property must be owned by a person who is elderly (65 and over), disabled or is a 100% disabled veteran. Additionally, the property must be the principal residence of the qualified owner and the qualified owner must have declared ownership and actually paid the property taxes on the property for at least three consecutive years. The act would go into effect on 1/1/2003.

The act requires the State of Missouri to hold local political subdivisions harmless for any tax revenues lost as a result of the act.

This act is similar to SB 204 (2001).
JEFF CRAVER

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : January 1, 2003

SB 0717

SENATE SPONSOR House

2753S.01I

SB 717 - This act creates the "Public Service Accountability Act" which regulates contracts between public bodies and private contractors.

State entities entering into private contracts for services over \$25,000 are required to follow these provisions. Local participating political subdivisions choose to follow these provisions regulating contracts between private and political subdivisions. Both state entities and participating political subdivisions are included in the definition of public body.

The public body will prepare a written statement specifically describing the services to be provided under a privatization contract. The state entity will file it with the Secretary of State no later than sixty business days before the bids are due and the statement will be published in the Missouri Register or the participating political subdivision will file it with the clerk of the county where the political subdivision is located and be published in a newspaper of general circulation no later than thirty business days prior to when bids are due.

Every bid received from a private entity must include the following:

- (1) Without disclosing employees' names, employee job history with the private entity will be provided;
- (2) Annual rate of staff turnover;
- (3) Hours of training planned for employees who would provide public services; and
- (4) Any legal complaints issued by an enforcement agency for alleged violations of federal, state or local rules, regulations or laws.

Compensation for employees pursuant to a privatization contract will be the greater of the wage rate paid at step one of the grade or classification of a public employee with similar duties, plus the cash value of health and other benefits or the average private sector rate plus health and other benefits.

The public body that is considering entering into a privatization contract will prepare an estimate of the costs for public employees to provide the services. Before the due date to receive sealed bids, any public employee organization may propose amendments to any relevant collective bargaining agreement. If the amendments reduce costs below the public body's comprehensive written estimate it will be the lowest and best bid. Such amendments will only become effective if they reduce the cost estimate below the contract cost. The estimate will be confidential until after the due date for sealed bids and then the estimate will become a public record.

Upon making a decision, the public body will publicly designate the bidder that won the contract. The public body must certify compliance with these sections and that the contract costs will be ten percent less than the estimated cost for the services to be completed by public employees. Any privatization contract will be subject to Chapter 610, RSMo, which pertains to Missouri public records law.

The contractor may not award a subcontract without approval

of the head of the public body. Each subcontractor contract will be subject to Chapter 610, RSMo.

Public body may seek contractual remedies for violation of the privatization contract.

Various limitations exist on the contractor or subcontractor regarding ownership rights. The public body and contractor or subcontractor will be jointly and severally liable to comply with Chapter 610, RSMo.

In addition to the remedies provided in Chapter 610, RSMo, the following remedies are also available, damages, restitution, civil penalty of not more than fifty thousand dollars (\$50,000). Legal action that may be brought pertaining to public records under this act must be brought within three years after the occurrence of such violation.

This act prevents persons from retaliating against any employee who discloses information in good faith about the services provided by the private contractor.

Private contractors must provide notice of the contract to provide public services at the worksite.

This act will apply to all privatization contracts entered into on or after July 1, 2003.

This act is similar to HB 530 (2001) and SCS/SB 513 (2001).
JIM ERTL

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : July 1, 2003

SB 0718

SENATE SPONSOR House

2797S.01I

SB 718 - This act mandates that school children recite the Pledge of Allegiance to the U.S. flag no less often than once per week unless the child, or the child's parents or legal guardian, is a conscientious objector.

This act is identical to SB 639 (1998).
DONALD THALHUBER

120101 Prefiled
010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0719

SENATE SPONSOR Westfall

2777S.01I

SB 719 - This act authorizes categorical state school aid, subject to appropriation, of \$700 per year to school districts for each limited English proficient (LEP) student educated by the district during the preceding year. If annual appropriations are insufficient to fully fund the payments, the per pupil amount shall be uniformly prorated for all such payments to the extent necessary to ensure that the total of the prorated payments equals the funds appropriated.

This act is identical to SB 497 (2001).
DONALD THALHUBER

120101 Prefiled

010902 S First Read

S45

EFFECTIVE : August 28, 2002

SB 0720

SENATE SPONSOR Westfall

2779S.01I

SB 720 - This act requires all deputies or assistants that are appointed by the collector or treasurer ex officio collector to provide a bond that is approved by the collector.

The bond amount will not exceed one-half of the amount of the maximum bond required for any collector or treasurer ex officio collector.

The county or city that is being protected will provide the premium for the bond.

JIM ERTLE

120101 Prefiled

010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0721

SENATE SPONSOR Westfall

2747S.01I

SB 721 - This act requires drivers to take certain actions, including yielding the right-of-way when possible, when an emergency vehicle is approaching. This provision is identical to SB 91 (2001).

Current Missouri law requires drivers to obey traffic-

related signals and directions given by members of the Missouri Highway Patrol (Section 43.170, RSMo). Failure to follow such direction is a misdemeanor offense.

This act extends the reach of the current law by also requiring drivers to obey signals and directions given by sheriffs and deputy sheriffs. This provision is identical to SB 237 (2001).
STEPHEN WITTE

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0722

SENATE SPONSOR Bentley

3028S.05I

SB 722 - This act allows qualified applicants to apply for a temporary administrator certificate with a school district which is willing to employ and sponsor the individual. The temporary administrative certificate is limited to the employing public school district or accredited nonpublic school. The employing school district of the temporary administrator must develop a mentoring program to ensure that the individual eventually obtains a full administrator certificate.

The temporary certificate is valid for a period of one year. The temporary certificate may be renewed up to four subsequent times upon demonstration that the person is making measurable progress toward obtaining a full administrator certificate. The applicant, however, must receive a full administrative certificate within five years.

The State Board of Education will be responsible for establishing standards for the implementation of the temporary certificate program. A qualified applicant is a person who holds a teacher's license, has a master's degree, and has at least five years of teaching experience.
STEPHEN WITTE

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0723

SENATE SPONSOR Bentley

2650S.01I

SB 723 - This act creates the "Cultural Tourism Development Program" within the Department of Economic Development. The goal of the program is to increase visitor enjoyment and visitor expenditures associated with artistic, heritage and historical offerings in the state.

The Department of Economic Development will work in conjunction with the Division of Tourism, Missouri Humanities Council, Missouri Arts Council, Department of Transportation, Department of Natural Resources, Secretary of State's office, and other entities to administer the grant and loan program. No single award for a project shall exceed ten percent of the total awards for a single year.

This act is similar to SB 250 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0724

SENATE SPONSOR Bentley

3027S.01I

SB 724 - This act requires certain facilities for children to show proof of accreditation or compliance with safety standards. Currently, Section 210.516, RSMo, requires licensure of all residential care facilities, foster homes, and child placing agencies, but exempts other facilities, such as those run by religious organizations. This act requires license-exempt facilities to show proof of accreditation through a national organization or show proof of compliance with sanitation and fire standards established by the state.

ERIN MOTLEY

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0725

SENATE SPONSOR Childers

2499S.01I

SB 725 - This act creates the "Missouri Airport Protection Act".

This act requires the Highways and Transportation Commission to establish an airspace review and permit process to regulate structures that may be erected within navigable airspace and to ensure that they do not interfere with air navigation. Local aviation zoning regulations which are more restrictive than the provisions of this act will take precedence. The commission must investigate all permit applications, taking into consideration the safety and welfare of persons and property in the air and on the ground. The commission may approve an application for a temporary structure if it is evident that the proposed temporary structure will not adversely affect safety or air navigation. Permits may be withheld upon Federal Aviation Administration investigation of any type.

The act also regulates location requirements of structures, when a permit is required, time required for making application for a permit, permit exceptions, identification requirements to be noted on permits, notification of denial of a permit, the appeal process upon permit denial, and rule-making authority. The commission is prohibited from using funds dedicated to highways for enforcement of this act.

This act is similar to SB 324 and HB 436 (2001).
STEPHEN WITTE

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0726

SENATE SPONSOR Childers

2649S.01I

SB 726 - This act changes Emergency Services Day from November 28th to September 11th.

Emergency Services Day is a day set apart as a day of appreciation, respect and gratitude for all public safety personnel, including police, firefighters, ambulance personnel, emergency dispatchers and corrections officers.
CINDY KADLEC

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0727

SENATE SPONSOR Yeckel

3035S.02I

SB 727 - This act allows motor vehicle rear windows to be tinted at any level. Under the current law, rear windows may only be tinted with a light transmission of 35% or more and a luminous reflectance of 35% or less.

STEPHEN WITTE

120101 Prefiled

010902 S First Read

S46

EFFECTIVE : Emergency Clause

SB 0728

SENATE SPONSOR Yeckel

2663S.02I

SB 728 - This act modifies several provisions pertaining to Residential Mortgage Brokers. After January 1, 2003, individuals applying or renewing a mortgage broker license will have to show proof of completion of a continuing education course. The act modifies the process for appointment to the Residential Mortgage Brokers Board. Effective January 1, 2003, the required net worth for a licensed mortgage broker from \$25,000 to \$50,000.

JIM ERTLE

120101 Prefiled

010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0729

SENATE SPONSOR Yeckel

3034S.01I

SB 729 - A mortgage may be insured at the time of a loan if secured by a first lien. The act deletes the requirement that the loan not exceed one hundred percent of the fair market value of the property.

JIM ERTLE

120101 Prefiled

010902 S First Read

S46

EFFECTIVE : August 28, 2002

****SB 0730****

SENATE SPONSOR Bland

3125S.01I

SB 730 - This act requires insurance companies to cover treatment for overweight and obese persons. A new Section 376.784 is created and requires all insurance plans to notify policyholders of the availability of such coverage. Nothing in this section will restrict any existing coverage nor will it allow limits of liability for coverage for overweight or obesity.
ERIN MOTLEY

120101 Prefiled

010902 S First Read

S46

EFFECTIVE : August 28, 2002

****SB 0731****

SENATE SPONSOR Bland

2865S.01I

SB 731 - This act creates a nine-member commission to study all aspects of the death penalty as administered in Missouri. The act requires the commission to hold public hearings and review all charges of first or second degree murder or voluntary manslaughter which were filed during or after 1977. Findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court and the General Assembly by January 1, 2005. The commission shall recommend any proposed modifications to Missouri laws necessary to ensure adequacy of trial and appellate legal counsel, accuracy of findings of guilt of the accused, elimination of race disparity in charging and sentencing, fair court procedures and fair and consistent charging and sentence recommendations made by local prosecutors around the state.

The act prohibits executions during the period of review, which period shall be from August 28, 2002, to January 1, 2003.

The act is identical to SB 55 (2001).
ALAN KELLY

120101 Prefiled

010902 S First Read

S46

EFFECTIVE : August 28, 2002

****SB 0732****

SENATE SPONSOR Bland

2890S.01I

SB 732 - This act requires the Division of Family Services to provide an annual report on the progress of welfare reform in Missouri. The Division must deliver its first report by December 1, 2002, and must report annually thereafter to the Governor and General Assembly. The report should include, but not be limited to, statistics and recommendations on:

1. Individuals who have successfully left welfare and their employment;
2. Individuals who have remained on or returned to welfare;
and
3. The benefits of welfare reform realized by families, employers, and the state.

This act is identical to SB 174 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002
-----****SB 0733****

SENATE SPONSOR Steelman

3209S.01I

SB 733 - This act exempts from state and local sales taxes all sales of tickets, dues or other fees paid for admission, seating accommodations, or membership to any place of amusement, entertainment or recreation, athletic events, and health and fitness centers.

JEFF CRAVER

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002
-----****SB 0734****

SENATE SPONSOR Steelman

3208S.01I

SB 734 - This act authorizes a tax credit for individual taxpayers for 25% of the unreimbursed cost of health insurance premiums.

JEFF CRAVER

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0735

SENATE SPONSOR Steelman

3204S.01I

SB 735 - This act authorizes a state tax credit for contributions to authorized scholarship charities. To qualify as a scholarship charity, the organization must be a 501(c)(3) charitable organization and must allocate at least ninety percent of its annual revenue for educational scholarships to children attending qualified schools of their choice.

The credit may be claimed in an amount equal to 50% of the taxpayer's contribution to the scholarship charity. The credit is not refundable but may be carried over for up to four succeeding taxable years. The cumulative amount of all scholarship charity tax credits is limited to a total of twenty million dollars per fiscal year, with up to ten million dollars per fiscal year for public qualified schools and up to ten million dollars per fiscal year for non-public qualified schools. The Director of Revenue is authorized to allocate the tax credits as necessary to ensure their maximum use.

This act is identical to SB 576 (2001).
JEFF CRAVER

120101 Prefiled
010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0736

SENATE SPONSOR Dougherty

2743S.02I

SB 736 - This act prohibits the refusal of residential treatment services to children with mental disorders or addiction. Currently, Section 630.605, RSMo, requires the Department of Mental Health to establish a placement program for affected individuals. New language allows the Department of Social Services or the court to refer a child to the Department of Mental Health for assessment. If the assessment indicates a mental disorder or addiction, then the Department shall not refuse residential treatment services to that child.

This act is substantially similar to SB 465 (2001).
ERIN MOTLEY

120101 Prefiled

010902 S First Read

S46

EFFECTIVE : August 28, 2002

SB 0737

SENATE SPONSOR Cauthorn

3160S.01I

SB 737 - This act would allow members or parents of 4-H members to obtain a special license plate that would bear the emblem of 4-H and the words "Missouri 4-H" in place of "Show-Me State". The fee for the plate would be \$15.

STEPHEN WITTE

120101 Prefiled

010902 S First Read

S46-47

EFFECTIVE : August 28, 2002

SB 0738

SENATE SPONSOR Cauthorn

2495S.01I

SB 738 - This act allows the Department of Transportation to contract with private individuals to mow and maintain the rights-of-way.

STEPHEN WITTE

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0739

SENATE SPONSOR Wiggins

2806L.01I

SB 739 - This act establishes the "Uniform Athlete Agents Act".

The act requires that all athlete agents operating in Missouri must register with and be certified by the Secretary of State's Office in a manner prescribed by statute and by the Secretary of State. Registration and certification is valid for a two-year period, and may be renewed indefinitely. The Secretary may refuse to issue a certificate, or may suspend or revoke a certificate, under certain circumstances, such as:

- (1) If the applicant has been convicted of a crime of moral turpitude;
- (2) The applicant makes false statements on the

application;

(3) The applicant has had a similar license suspended or revoked in any state; or

(4) The applicant has caused a student-athlete to be suspended from or to be ineligible for any interscholastic or intercollegiate athletic event.

The act requires that all agent-athlete contracts must be written and must contain certain information, including the basis for the agent's fee and a notice warning the student-athlete about possible loss of eligibility. The act also regulates the activities of agents and makes a violation of such regulations a Class B misdemeanor. The act subjects agents to civil penalties and damages for regulatory violations.

CINDY KADLEC

120101 Prefiled
010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0740

SENATE SPONSOR Wiggins

2804L.01I

SB 740 - This act repeals Missouri's Uniform Child Custody Jurisdiction Act and adopts the current version of the Uniform Child Custody Jurisdiction and Enforcement Act. The act does not govern adoption proceedings, proceedings pertaining to the authorization of emergency medical care for a child, or proceedings governed by the Indian Child Welfare Act. Courts are required to treat a foreign country as a state of the United States for purposes of applying the Uniform Child Custody Jurisdiction and Enforcement Act, except where the child custody law of the foreign country violates fundamental human rights principles. The act gives limited immunity from service of process to parties participating in proceedings under the act who otherwise are not subject to personal jurisdiction in this state.

Any court of this state that has made a child custody determination pursuant to the Act has exclusive continuing jurisdiction over the determination under certain conditions, and the court is granted temporary emergency jurisdiction to make a child custody determination regarding a child present in this state when such a determination is necessary due to abandonment or abuse. The act itemizes relevant factors which a court may consider before making a determination whether it is an inconvenient forum.

In the enforcement provisions, the act enforces child custody determinations and orders for the return of a child pursuant to the Hague Convention on the Civil Aspects of International Child Abduction. The act also authorizes a court of this state, without modification, jurisdiction to temporarily enforce visitation ordered by a court in another state, and

authorizes registration of a child custody determination issued by a court in another state in the same manner as foreign judgments are registered. Information which must be included in a petition for enforcement of a child custody determination is specified in the act, as well as the procedure for acting upon the child custody determination enforcement petition.

The act authorizes the issuance of a warrant to take physical custody of a child likely to suffer serious imminent physical harm or removal from this state, and requires payment of the prevailing party's costs and expenses by the non-prevailing party. The act does not apply retroactively to motions or other requests for relief initiated before August 28, 2000.

The act is identical to SB 603 (2000) and SB 135 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0741

SENATE SPONSOR Wiggins

2805L.01I

SB 741 - This act modifies membership and duties of the Organ Donation Advisory Committee and allows increased contributions. Section 194.300, RSMo, currently creates the Advisory Committee. This act adds to its membership a representative from the Department of Revenue. It also adds a charge to the committee to study the feasibility of providing Internet access to the organ donor registry for authorized personnel. Currently, Section 302.171, RSMo, outlines the procedure individuals must follow when applying for a Missouri driver's license is outlined in current law. New language provides that an applicant may make a donation of \$2 to promote organ donor programs when that applicant becomes eligible for the six-year license renewal.

This act is substantially similar to SB 136 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read

S47

EFFECTIVE : August 28, 2002

****SB 0742****

SENATE SPONSOR Caskey

2965S.01I

SB 742 - This act makes a technical correction to an intersectional reference in a provision of the Principal and Income Act.
JIM ERTLE

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

****SB 0743****

SENATE SPONSOR Caskey

2964S.01I

SB 743 - This act provides that a ruling on a petition for termination of parental rights is deemed a final ruling for the purposes of appeal.
ERIC ROSENKOETTER

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

****SB 0744****

SENATE SPONSOR Caskey

3088S.01I

SB 744 - This act would allow Cass County to elect a county surveyor beginning with the general election in 2004 and every four years thereafter.
CINDY KADLEC

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

****SB 0745****

SENATE SPONSOR Russell

2815L.01I

SB 745 - This act allows Marines and Navy veterans who have participated in active duty combat action to receive a "Combat Action Ribbon" license plate. There is a \$15 fee in addition to regular registration fees.
STEPHEN WITTE

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0746

SENATE SPONSOR Russell

2757S.02I

SB 746 - This act provides that the Governor or the Director of the Office of Administration shall recognize a collective bargaining unit, upon approval by a majority of the unit's employees.

ERIC ROSENKOETTER

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0747

SENATE SPONSOR Russell

2764S.01I

SB 747 - This act allows corporations to designate an individual who is not an attorney to represent them in any proceeding before the Administrative Hearing Commission or any state agency. Such representation shall not be deemed to be the practice of law.

The act is similar to SB 12 (2001).

CINDY KADLEC

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0748

SENATE SPONSOR Goode

3182S.01I

SB 748 - This act authorizes "design-build" contracts in certain instances.

The Director of the Division of Design and Construction may determine that a design-build procurement process is necessary for any particular project based upon criteria set out in the act. The Division may hire a consultant to prepare proposals, review documents, decide disputes and make inspections. Design-build proposals are evaluated by a team composed of at least two

representatives of the Division, two representatives of the agency that is to use the finished building and a chairman appointed by the Director of the Division.

Proposals may be solicited in three phases: Phase I involves soliciting of qualifications so that design-builders may be pre-qualified. The top five qualifiers will be asked to participate in phase II, in which they submit their design for the project. In phase III, the design-build contractors shall submit cost proposals.

The Division shall pay those submitting unsuccessful Phase II proposals for their technical submission and the Division may subsequently use the design. This section of the bill is similar to SB 320 (2001).

This act also allows MoDOT to enter into one interstate highway design-build pilot project within 10 years of the effective date of this act. The commission must establish a written procedure by rule for prequalifying design-builders before they will be allowed to submit a project proposal. The commission may issue requests for bid to up to 5 prequalified design-builders. The commission will make all final decisions regarding performance of work under the contract. The commission may promulgate rules to implement these provisions. The commission must submit a report to the General Assembly and Governor following the award of the design-build project as well as subsequent annual reports. If the commission fails to receive at least two submissions from qualified design-builders, the submissions shall not be opened and the project shall be readvertised.

The act allows persons or corporations (architects, engineers and land surveyors) who are not licensed or do not hold a certificate under Chapter 327, RSMo, to enter into agreements to design and build projects for public or private entities without being licensed in Missouri. The person or corporation cannot hold itself out as being able to perform those services and the actual work must be performed by persons licensed or by corporations holding a certificate to provide architectural, engineering or land survey services. This portion of the bill is similar to SB 229 (2001) and to SCS/HB 288 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

S47

EFFECTIVE : August 28, 2002

****SB 0749****

SENATE SPONSOR Goode

2788S.01I

SB 749 - Under current law, a bill vetoed by the Governor becomes effective immediately if the General Assembly votes to over-ride the veto. Similarly, due to a 1926 decision of the Missouri Supreme Court, initiative petitions become effective on the date approved by the voters. This act provides that vetoed bills become effective 30 days after the General Assembly votes to over-ride. Issues submitted to the voters, whether by the General Assembly or by initiative petition, must contain an effective date.

This act is similar to SB 148 (2001).
DONALD THALHUBER

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

****SB 0750****

SENATE SPONSOR Goode

2787S.01I

SB 750 - Under current law, if property is traded in on a purchase, purchasers pay sales or use tax only on the excess, if any, of the purchase price of the new item less any trade-in allowance and any applicable rebates. This act authorizes the reduction in the purchase price of an article if the trade-in has been subject to the imposition of sales or use tax or has been exempted or excluded from such tax. The act specifies that a purchaser of a motor vehicle, trailer, boat or outboard motor is only allowed a credit for the trade-in of a similar item.

This act is similar to SB 140 (2001).
JEFF CRAVER

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

****SB 0751****

SENATE SPONSOR Singleton

3185S.02I

SB 751 - This act prohibits Medicaid from reimbursing providers for nontherapeutic circumcisions. A new section 208.661 defines "nontherapeutic circumcision" as a routine or elective circumcision which does not meet the criteria of a

medically necessary treatment. In order for Medicaid to reimburse for a circumcision, two physicians must verify in writing the examination and a diagnosis that it is medically necessary. Medicaid should also reimburse if the provider gives proof of a written notice of necessity due to religious beliefs. Any claim for reimbursement that does not meet the criteria will constitute an act of unprofessional conduct and the provider and other responsible parties will be civilly liable or subject to professional disciplinary action.

ERIN MOTLEY

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0752

SENATE SPONSOR House

2712S.01I

SB 752 - This act requires specific health plans to cover all services provided or ordered by registered nurse first assistants. A "registered nurse first assistant" (RNFA) is defined as a registered nurse, licensed in Missouri, who has received additional certification through a nationally-recognized professional organization to become a RNFA or who meets the criteria for RNFAs established by the Missouri State Board of Nursing. If so certified, then all services provided by RNFAs shall be covered by the specified health plans, including Medicaid.

This act is substantially similar to SCS/SB 35 (2001).
STEVE WITTE

120101 Prefiled

010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0753

SENATE SPONSOR House

2734S.01I

SB 753 - This act prohibits broadcast employers from requiring noncompetition clauses in employment contracts with certain broadcast employees. While a noncompete clause may be enforced against an employee who signs a contract containing such a clause, the employer will also be liable for civil damages, attorneys fees and costs for including the provision in the contract.

CINDY KADLEC

120101 Prefiled
010902 S First Read

S47

EFFECTIVE : August 28, 2002

SB 0754

SENATE SPONSOR House

2950S.01I

SB 754 - Law enforcement officers who are covered by the act have a right to a hearing if dismissed, demoted, or suspended so as to suffer a reduction or withholding of salary or compensatory time. A hearing upon written request must be granted within thirty days of the disciplinary action.

Any law enforcement agency already having similar written procedures are exempted from the provisions of this act. This act shall not apply to any officer who is serving a probationary period, or who is employed by the state, a public college or a university.
SARAH MORROW

120101 Prefiled
010902 S First Read

S47-48

EFFECTIVE : August 28, 2002

SB 0755

SENATE SPONSOR Westfall

2765S.01I

SB 755 - This act provides a sales tax exemption for retailers who donate inventory to private or public elementary or secondary schools and approved private or public institutions of higher learning.

This act is identical to SB 221 (2001).
JEFF CRAVER

120101 Prefiled
010902 S First Read

S48

EFFECTIVE : August 28, 2002

SB 0756

SENATE SPONSOR Westfall

2769S.01I

SB 756 - This act allows students to participate in FFA, FHA and 4-H events and Missouri State Fair competitions while having such participation count as regular school attendance for the purpose of state school aid.

This act is identical to SB 332 (2001).
DONALD THALHUBER

120101 Prefiled
010902 S First Read S48

EFFECTIVE : August 28, 2002

SB 0757

SENATE SPONSOR Westfall

3181S.01I

SB 757 - This act creates the "Head Injury Fund" for use by the Missouri Head Injury Advisory Council. A new section 304.028 creates the Fund for the receipt of judgments, grants, private donations, and other moneys. Such funds will be used for the integration of medical, social, and educational services and for outreach to individuals with traumatic head injury and their families. Unexpended balances will not transfer to general revenue. This section also adds a \$2.50 fine for persons violating the speed limit or for persons convicted of an intoxication-related offense. Such fines will be deposited into the Head Injury Fund.

This is substantially similar to SB 41 (2001).
ERIN MOTLEY

120101 Prefiled
010902 S First Read S48

EFFECTIVE : August 28, 2002

SB 0758

SENATE SPONSOR Bentley

3179S.01I

SB 758 - This act clarifies that any offender to whom the registration requirements apply must register with law enforcement by September 10, 2002, or within 10 days of becoming a resident of any county.
SARAH MORROW

120101 Prefiled
010902 S First Read S48

EFFECTIVE : August 28, 2002

****SB 0759****

SENATE SPONSOR Yeckel

3040S.01I

SB 759 - This act freezes the assessed valuation of homestead property owned by individuals or married couples aged 65 and older during the period of ownership in any county where approved by the voters. When the property is transferred, the previous owners owe property taxes on the increased value of the property.

The act has a referendum clause and would be submitted to the voters in November, 2002, unless the Governor selects an earlier date.

This act is identical to SB 584 (2001).
JEFF CRAVER

120101 Prefiled

010902 S First Read

S48

EFFECTIVE : January 1, 2003

****SB 0760****

SENATE SPONSOR Yeckel

3041S.01I

SB 760 - This act requires that a fire district board member commit some act of misconduct, malfeasance or nonfeasance relating to official board duties, or that the board member be convicted of any felony or any Class A or B misdemeanor, before a registered voter from that district may initiate recall proceedings.

JIM ERTLE

120101 Prefiled

010902 S First Read

S48

EFFECTIVE : August 28, 2002

****SB 0761****

SENATE SPONSOR Yeckel

3031S.01I

SB 761 - This act requires counties to make a payment in lieu of taxes (PILOT) for certain property purchased by the county and taken off the tax rolls. If the property is purchased for the purpose of private development and then is undeveloped for a period of at least 2 years, the county must make PILOT payments. For property purchased for the purpose of private development between August 28, 1992, and August 28, 2002, the county will have 2 years from August 28, 2002, to develop the

property, otherwise PILOT payments must be made. Additionally, if property is purchased by the county for purposes of private development and then is developed into income-producing property, the county must make PILOT payments.

This act also postpones the exempt status of property acquired by tax-exempt entities until January 1st of the year following the purchase by the tax-exempt entity.

This act is similar to SS/SCS/SBs 347 & 487 (2001).
JEFF CRAVER

120101 Prefiled
010902 S First Read

S48

EFFECTIVE : August 28, 2002

SB 0762

SENATE SPONSOR Bland

2867S.01I

SB 762 - This act establishes the "Missouri Universal Health Assurance Program" (Program). The Program is a publicly-financed, statewide insurance program that will provide comprehensive health care coverage for Missouri residents.

The Director of the Department of Health will divide the population of the state into six regional districts, with an advisory council of seven private citizens established for each district. The advisory councils will assist the Board in development of a comprehensive state health care plan and will develop a transportation plan for indigent, elderly, and disabled clients.

The Program will be administered by a nineteen member Board of Governors, ten of which will be appointed by the Governor. The Directors of the Departments of Social Services, Health, and Mental Health will be ex-officio members and the Board shall include a representation of minority and disabled individuals. The Board will be responsible for implementing the Program, monitoring expenditures, adopting rules, employing staff, and studying the means of incorporating institutional long-term care benefits into the Program. An annual report will be required after conducting investigations and utilization reviews.

An annual comprehensive state health care plan should be established by the Board and should include a budget, an evaluation of district health care needs, and goals for various parts of the Program. Prior to establishment, the Board should appoint advisory subcommittees of health care research and ethics experts and public hearings should be held. The resulting comprehensive health care plan should seek to secure the most cost-effective health care.

The Board shall establish the "Missouri Health Care Trust

Fund" which will be used for all aspects of Program operation. Revenues held in the trust fund are not subject to appropriation or allotment by the State or any political subdivision of the State. Various accounts will be created within the trust fund for specific purposes.

Every person who is a resident of Missouri, regardless of preexisting conditions, will be eligible to receive benefits for covered services under the Program. Persons who are not residents, but who are employed in Missouri will be eligible for benefits if a health premium surcharge is paid. Certain services, as listed, will not be covered under this Program.

The Program shall pay the expenses of institutional providers of health care and each provider shall negotiate an annual budget with the Program to cover anticipated expenses. The Program will reimburse independent providers of health care on a fee for service basis. Other insurers and employers may offer benefits that do not duplicate those offered by the Program. Sections 354.750 to 354.816 of this act will become effective April 1 of the year following the award of a waiver by the Department of Health and Human Services.

Every employer or self-employed person within the State will pay a health premium surcharge to the Department of Revenue based on the number of employees it has. A health premium surcharge, in addition to the state income tax, will be imposed on residents' gross income. An employer may agree to pay all or part of an employee's surcharge.

No later than thirty days after the effective date of this act, the Department of Social Services shall apply to the United States Secretary of Health and Human Services for all health care program waivers that would enable the state to deposit federal funds into the Missouri health care trust fund created in Section 354.771. The Department should also identify other federal fund sources. Under the same time frame, the Governor shall appoint Board members.

The Board shall request that the Program be made available to federal employees and retirees while they are residents of Missouri.

For five consecutive tax years after approval of the Program, any employer who has twenty-five or less employees will be allowed a tax credit against the new tax due in incremental amounts.

Certain sections of this act have a conditional effective date and the entire act will be submitted to the voters of the state for approval or rejection in November, 2002.

This act is substantially similar to SB 104 (2001).
ERIN MOTLEY

010902 S First Read

S48

EFFECTIVE : Contingent

SB 0763

SENATE SPONSOR Bland

2864S.01I

SB 763 - This act lowers the minimum age for jury service from 21 to 18. This act also excuses full-time students not residing within 20 miles of the city or county issuing the jury summons.

This act is similar to SB 54 (2001).
JIM ERTLE

120101 Prefiled

010902 S First Read

S48

EFFECTIVE : Contingent

SB 0764

SENATE SPONSOR Bland

2873S.01I

SB 764 - This act establishes a Needle Exchange Program within the Department of Health. The Program will attempt to reduce HIV transmission by providing sterile needles and will encourage participants to seek substance abuse counseling. The Department may legally possess and distribute hypodermic needles or syringes as part of the Program. All records associated with the Program will be closed.

This act is identical to SB 163 (2001).
ERIN MOTLEY

120101 Prefiled

010902 S First Read

S48

EFFECTIVE : August 28, 2002

SB 0765

SENATE SPONSOR Steelman

3206S.01I

SB 765 - The School Building Revolving Fund is eliminated and the School Building Construction and Renovation Fund is created. Moneys in the Fund would be used, in equal portions, to fund school construction and school renovation. The interest accruing to all state funds, other than funds created by the Missouri Constitution, shall be transferred quarterly to the newly created School Building Construction and Renovation Fund.

To be eligible for a grant, a district must apply to the Department of Elementary and Secondary Education, must meet all criteria for state aid (meets or exceeds minimum school calendar, maintains proper records of attendance, personnel and finance, levies at least a \$1.25 tax rate and computes attendance properly under law) and must not be experiencing financial stress.

Priority of construction grants is given to the following categories, in decreasing order:

- a) districts with uninsured replacement costs from disaster;
- b) districts with at least 12% enrollment growth in the last 3 years;
- c) districts with 9% growth in the last 3 years;
- d) districts with 6% growth in the last 3 years;
- e) overcrowded districts; and
- f) districts with certain particular building needs.

Priority of renovation grants is given to the following categories, in decreasing order:

- a) districts with uninsured replacement costs from disaster or hazardous waste cleanup;
- b) districts renovating buildings which are at least 35 years old; and
- c) districts renovating buildings less than 35 years old.

Once a district has received a grant, it shall not be eligible for a new grant from the Fund unless all eligible applications from districts which have yet to receive a grant are funded.

Local matching funds are required to receive a state grant. The local match requirement is 50% for the least wealthy of districts, 75% for the most wealthy of districts and the match percentages for the remaining districts are uniformly spaced across the range from 50% to 75%.

Maximum total state costs per pupil for new construction are \$8000 for high school, \$7000 for middle school and \$6000 for elementary school. Maximum total state costs per pupil for renovation are \$5600 for high school, \$4900 for middle school and \$4200 for elementary school. A school may spend more than the maximum state grant amount plus local match by adding additional local funds.

State grant funds shall not be used for lease purchases. State grant funds shall be used only for capital expenditures, and shall not be used to retire debt. If a project costs less than the projected amount, the state's share of the remaining funds shall be returned to the state and placed in the Fund.

Upon completion of a project, the district shall submit a report to the Department, and the Department may require an audit. State funds not expended as allowed by this act must be repaid to the state.

All school buildings constructed or renovated with grants under this act shall remain the property and responsibility of the school district.

This act is identical to SS/SB 242 (2001).
DONALD THALHUBER

120101 Prefiled
010902 S First Read S48

EFFECTIVE : August 28, 2002

SB 0766

SENATE SPONSOR Steelman

2470S.02I

SB 766 - This act establishes certain requirements for committees formed to receive contributions or make expenditures on behalf of a person elected to serve in a state office.

Such committees must file various reports with the Missouri Ethics Committee for the duration of the committee's existence. Committees must file a statement of organization, disclosure reports which itemize receipts, expenditures, and indebtedness incurred by the committee, and a termination statement upon dissolution.

Committees shall maintain detailed and accurate records and accounts. Disclosure reports shall be filed within thirty days after the statement of organization is filed. Subsequent reports shall be filed every six months.
CINDY KADELC

120101 Prefiled
010902 S First Read S48

EFFECTIVE : August 28, 2002

SB 0767

SENATE SPONSOR Steelman

3207S.01I

SB 767 - This act would allow the University of Missouri-Rolla campus to sponsor charter schools in St. Louis City and Kansas City Missouri School District.
DONALD THALHUBER

120101 Prefiled
010902 S First Read S48

EFFECTIVE : August 28, 2002

SB 0768

SENATE SPONSOR Wiggins

2916L.01I

SB 768 - This act authorizes the conveyance of certain state property to the Children's Mercy Hospital.
ERIN MOTLEY

120101 Prefiled

010902 S First Read

S48

EFFECTIVE : August 28, 2002

SB 0769

SENATE SPONSOR Russell

3131S.01I

SB 769 - This act limits the amount of tax credits which may be redeemed through any tax credit program to that amount appropriated for each tax credit program in any given fiscal year of the state.
JEFF CRAVER

120101 Prefiled

010902 S First Read

S48

EFFECTIVE : August 28, 2002

SB 0770

SENATE SPONSOR Russell

2762S.01I

SB 770 This act provides that a telecommunications company may charge a customer for Internet access service upon receipt of a signed statement from the customer for such service. The Public Service Commission may promulgate rules to enforce the act.

This act is identical to SB 190 (2001).
CINDY KADLEC

120101 Prefiled

010902 S First Read

S48-49

EFFECTIVE : August 28, 2002

SB 0771

SENATE SPONSOR Russell

2758S.01I

SB 771 - This act excludes boats under 24 feet with an electric trolling motor as their only means of propulsion from licensure requirements.

CINDY KADLEC

120101 Prefiled

010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0772

SENATE SPONSOR Goode

2860S.01I

SB 772 - This act establishes the "Live Near Your Work" (LNYW) program which is designed to encourage people to relocate their residence to areas of relative decline, so as to reverse poor economic trends in those areas. The program attempts to achieve this goal by providing economic assistance to people who purchase and reside in property located in economically declining areas which are close in proximity to their employment. The employer, the state, and the local government provide equal financial contributions to each participating employee.

A local government, such as a city or county, must initiate the program in their geographic area. The local government identifies neighborhoods or other areas of pervasive economic decline and recruits a local employer or employers to participate in the program.

Any eligible employee of a participating employer may apply for a grant pursuant to the LNYW program provisions. Eligible employees must purchase and reside in a property within the designated area in order to receive the program grant. Other conditions may also apply to grant recipients, including maintaining residence in the property for at least one year. In the event applicable requirements are not met by the grant recipient, the grant moneys may have to be returned.

Each program grant awarded is in the total amount of \$3,000 which consists of \$1,000 each from the Department of Economic Development (DED), the local governmental unit operating the LNYW program, and the recipient's participating employer. The grant money is paid at the time the employee/home buyer closes on the purchase and the funds are directed specifically to defray closing and down payment costs of the home purchase. As the DED does not provide direct oversight over local LNYW programs, the State Auditor may audit any such program which receives a grant contribution from the DED.

ALAN KELLY

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0773

SENATE SPONSOR Goode

3150S.01I

SB 773 This act exempts from taxation certain personal property leased to the state or to any political subdivision or to any tax-exempt organization, provided that such property is regularly and exclusively used for religious, educational or charitable purposes.

JEFF CRAVER

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0774

SENATE SPONSOR Goode

2674S.01I

SB 774 - This act establishes a 65 mile per hour speed limit for trucks over 24,000 pounds on the rural interstates and freeways. The current speed limit for all vehicles is 70 miles per hour on rural interstates and freeways. The act also establishes a 60 mph hour speed limit for trucks on rural expressways and a 55 mph speed limit for trucks on urban interstate highways, freeways and expressways. The current speed limit for all vehicles is 70 miles per hour on rural interstates and freeways, 65 mph on rural expressways, and 60 mph on urban interstate highways, respectively. An operator of a truck who violates the speed limit by more than 5 mph will be fined an additional fine of \$50 per mile over that limit.

This act is similar to SB 138 (2001).
STEPHEN WITTE

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0775

SENATE SPONSOR House

2885S.02I

SB 775 - This act designates the Missouri River bridge connecting St. Louis and St. Charles counties as the "American Military Veterans Bridge".
STEPHEN WITTE

120101 Prefiled

010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0776

SENATE SPONSOR House

3211S.01I

SB 776 - This act provides that all personally identifiable information concerning individuals involved in the Missouri Higher Education Savings Program shall be confidential.
DONALD THALHUBER

120101 Prefiled

010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0777

SENATE SPONSOR Yeckel

3036S.01I

SB 777 - This act waives a portion of the supersedeas appeal bond requirements relating to exemplary or punitive damages, under certain conditions.

The act is identical to SB 516 (2001).
SARAH MORROW

120101 Prefiled

010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0778

SENATE SPONSOR Yeckel

3033S.02I

SB 778 - This act allows a tax deduction to those who contribute to medical savings accounts. It provides that any person who is eligible for a federal tax deduction for contributions made to medical savings accounts will also be allowed a state tax deduction. Eligible persons, however, may not take both a federal and a state tax deduction for such contributions. The maximum deduction allowed is \$2,000 per individual and \$5,000 per household and there is no limit on the number of participating policies in Missouri. The Department of Revenue will administer the program.

This act is substantially similar to SB 805 (2000).
JEFF CRAVER

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0779

SENATE SPONSOR Yeckel

3032S.01I

SB 779 - This act revises various provisions of the Sunshine Law relating to public hospitals. The act provides that the governing body of a public hospital and any related organization may close portions of records and meetings pertaining to specified matters, such as payment amounts and payment methodologies regarding contracts with health carriers, discussion of new health services, and physician contractual compensation. Any closed records shall be disclosed upon subpoena.

This act is similar to HB 442 (2001).
JIM ERTLE

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0780

SENATE SPONSOR Bland

2866S.01I

SB 780 This act exempts retail sales of food from state and local sales taxes. The act also reduces the amount allowed for an individual taxpayer's state income tax deduction from \$5,000 to \$3,300 for individual filers, and from \$10,000 to \$6,600 for combined returns. The act directs that the amount of state revenue generated from the reduction in the deductions is to be used by the state to reimburse counties and local political subdivisions for the loss in sales tax revenues on sales of food.

This act has a referendum clause.

This act is similar to SB 103 (2001).

JEFF CRAVER

120101 Prefiled

010902 S First Read

S49

EFFECTIVE : Contingent

SB 0781

SENATE SPONSOR Bland

2878S.01I

SB 781 - This act prohibits manufacturers of concealable firearms or assault weapons, as defined in the act, from distributing such weapons unless they are equipped with a reusable child safety lock or firearm locking device.

This act is identical to SB 170 (2001).

SARAH MORROW

120101 Prefiled

010902 S First Read

S49

EFFECTIVE : Contingent

SB 0782

SENATE SPONSOR Bland

2893S.01I

SB 782 - This act authorizes an appropriation to the Missouri Housing Development Commission for grants to pay for operation and grant administration costs incurred by community housing development organizations.

This act is identical to SB 159 (2001).

STEPHEN WITTE

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0783

SENATE SPONSOR Steelman

3210S.01I

SB 783 - This act requires that public schools ensure that developmentally appropriate phonics instruction is provided in kindergarten through grade 3 as part of a program of reading instruction. The State Board of Education shall provide in-service training in such instruction. Teacher competency tests in grammar and developmentally appropriate phonics instruction will be required after July 1, 2005. School districts are required to make an effort to inform parents about reading instruction methods and materials used in kindergarten through grade 3.

This act is similar to SB 616 (2001).
DONALD THALHUBER

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0784

SENATE SPONSOR Russell

2862S.01I

SB 784 - This act would require conspicuous posting of notices for the application of pesticides, insecticides or herbicides in or near public buildings. Applications are required to be conducted, when possible during nonworking hours to limit the number of employees present during application.

This act is identical to HB 941 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0785

SENATE SPONSOR Goode

3072S.01I

SB 785 - Under this act, the fee imposed on recorded instruments to assist the homeless is increased from \$3 to \$5. This act also allows any county governing body to establish a program to provide assistance to homeless persons. Under current law, only St. Louis County, St. Charles County, and Jackson County are authorized to establish a fund for the purpose of assisting homeless families. If the governing body of the county chooses to establish a program to assist homeless persons, then \$3 of the \$5-fee charged will be used by that county to finance the homeless program. The remaining \$2 will be credited to the Missouri Housing Trust Fund. If the governing body of the county does not establish a program to assist the homeless, then the entire \$5 will be credited to the Missouri Housing Trust Fund.

This act is identical to SB 118 (2001).
STEPHEN WITTE

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0786

SENATE SPONSOR Goode

2975S.01I

SB 786 - This act allows architects, engineers, and land surveyors, whether individuals or corporations, who do not hold a certificate pursuant to Chapter 327, RSMo, to enter into contracts to design and build projects. The person or corporation cannot hold itself out as being able to perform those services and the actual work must be performed by persons or corporations holding a certificate to provide the services.

This act is similar to SB 229 (2001) and to SCS/HB 288 (2001).
JIM ERTLE

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0787

SENATE SPONSOR Yeckel

3039S.01I

SB 787 - This act authorizes a county to adopt an ordinance or order which allows taxpayers to obtain a discount for prepayment of property taxes. The amount of the discount is intended to reflect the savings achieved by the county by receiving and investing the funds earlier.

If such an ordinance or order is adopted by the county, a taxpayer may prepay all or a portion of his or her estimated property taxes. Prepayments of the full estimated amount shall receive the following discounts: a full payment of the estimated tax by March 31st is discounted by 5%; a full payment of the estimated tax by June 30th is discounted by 4%; and a full payment of the estimated tax by September 30th is discounted by 3%. Partial advance payments receive the following discounts: a payment of one-fourth of the estimated tax by March 31st is discounted by 5%; a second payment of one-fourth of the estimated tax by June 30th is discounted by 4%; and a third payment of one-fourth of the estimated tax by September 30th is discounted by 3%. The act does not require mortgage companies or financial institutions to prepay property taxes from escrow accounts.

The act has a nonseverability clause.
JEFF CRAVER

120101 Prefiled
010902 S First Read

S49

EFFECTIVE : August 28, 2002

SB 0788

SENATE SPONSOR Yeckel

3037S.01I

SB 788 - This act revises the distribution of riverboat gaming proceeds. Currently, any gaming proceeds in excess of the amount transferred to the School District Bond Fund is transferred to the State School Moneys Fund and used to fund the basic state school aid formula.

The act revises the distribution to place the riverboat gaming proceeds which now go to the State School Moneys Fund to the "Year 2000 Classroom Fund", which is created by the act. The change is implemented over a five-year period beginning in FY 2003, with 20% increases each year in the portion transferred to the Year 2000 Classroom Fund, until 100% of such funds are transferred in FY 2007. For FY 2008 and thereafter, the distribution reverts to transferring all such funds to the State School Moneys Fund. Transfers to the School District Bond Fund are not affected by this act.

This act is identical to SB 475 (2001).
JEFF CRAVER

120101 Prefiled
010902 S First Read

S49-50

EFFECTIVE : August 28, 2002

SB 0789

SENATE SPONSOR Bland

2872S.01I

SB 789 - Currently, peace officers are required to report certain information concerning each stop of a driver of a motor vehicle for a violation of a traffic law or ordinance, including the racial identity of the person stopped, the violations alleged, the circumstances surrounding any resulting search and whether any arrest was made. This act requires such information for each stop of a motor vehicle, regardless of the purpose of the stop.

This act is identical to SB 144 (2001).
SARAH MORROW

120101 Prefiled
010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0790

SENATE SPONSOR Bland

2889S.01I

SB 270 - This act establishes state funded scholarships for the incidental fees and other required fees at any public college or university in the state for certain students.

Student eligibility qualifications include residency, successful completion of a core curriculum, high school graduation with a minimum 2.5 GPA, extracurricular activity involvement, a composite score on the ACT of at least 18 on the 1989 version or its equivalent and certain financial needs. Students from families with annual adjusted gross incomes of less than \$25,000 are eligible for a full scholarship, students from families with annual adjusted gross incomes of between \$25,000 and \$35,000 are eligible for partial scholarships on a sliding scale, and students whose families have an annual adjusted gross income of more than \$35,000 are not eligible without a showing of hardship because of large medical bills.

The act sets requirements for a student to maintain the scholarship, including participation in a work study program. The Coordinating Board for Higher Education is designated to

administer the program and make necessary rules and regulations.

The scholarship program shall be funded by a one percent per annum earnings tax on the salaries, wages, commissions and other compensation of nonresidents and on the net profits of associations, businesses, and other activities conducted by nonresidents. Organizations exempt from the earnings tax include religious, charitable, scientific or educational associations or corporations, civic groups organized to promote the social welfare and clubs organized for pleasure, recreation, or other nonprofit purposes. Moneys from the earnings tax shall be deposited in the newly-created "General Assembly Scholarship Program Fund". The Department of Revenue shall establish rules and regulations to collect and enforce the earnings tax.

The provisions of this act shall become effective January 1, 2003.

This act is similar to SB 155 (2001).
DON THALHUBER

120101 Prefiled
010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0791

SENATE SPONSOR Bland

2882S.01I

SB 791 - This act establishes a pilot program of urban early compulsory school attendance in the Kansas City Missouri School District. In that district, the compulsory attendance age would be lowered to age 5 years. The program establishes the same parental responsibilities, process for exceptions and penalties as are currently provided statewide for compulsory attendance of children ages 7 to 16 years. The school board shall report to the Commissioner of Education, no later than December 1, 2004, on the effectiveness of the pilot program.

This act is identical to SB 146 (2001).
DONALD THALHUBER

120101 Prefiled
010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0792

SENATE SPONSOR Bland

2900S.01I

SB 792 - This act prohibits health carriers from changing their drug formulary except at the beginning of the policy anniversary date. The health carrier may add new prescription drugs to its formulary. The health carrier may not increase an enrollee's co-payment or other out-of-pocket expenses except at the beginning of the policy annual anniversary date.

This act is similar to SB 161 (2001).
STEPHEN WITTE

120101 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0793

SENATE SPONSOR Bland

2932S.01I

SB 793 - This act modifies the Grandparents as Foster Parents Program. This bill returns the Program to that which was passed in SB 387 in 1999.

Section 453.325 requires the Division of Family Services to establish the "Grandparents as Foster Parents Program". A grandparent age 50 or over may participate if he or she is the legal guardian of a grandchild and if he or she participates in the training available through the Division. If all requirements are satisfied, the Program will provide the following benefits:

Reimbursement based on the current foster care payment schedule;

Foster parent training, parenting skills training, childhood immunizations, and other similar health screens;

Counseling for the child and the grandparent;

- Support services, including respite care, child care, and transportation;

Medicaid services to the child; and

Ancillary services, such as child care, respite, transportation, clothing allowances, but not direct financial payments to the participants.

Grandparents who are either under 50 years of age or who choose not to participate in the Program may apply to the Division for foster care reimbursement and assistance.

ERIN MOTLEY

120101 Prefiled
010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0794

SENATE SPONSOR Bland

2883S.01I

SB 794 - This act allows any school district to create after school and summer educational programs in the subjects of art, science and mathematics for at-risk youth.

This act is similar to SB 153 (2001).
DONALD THALHUBER

120101 Prefiled
010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0795

SENATE SPONSOR Schneider

2945S.01I

SB 795 - The act provides new definitions regarding emergency communications. Counties may establish an emergency communications commission composed of seven members. Such counties may levy an additional property tax or sales tax, upon voter approval in order to operate the system. All moneys collected must be deposited in the Emergency Communications System Fund. Obligations by the county may be paid out of the fund or by the issuance of bonds.

This act is similar to HB 280 (2001).
JIM ERTLE

120301 Prefiled
010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0796

SENATE SPONSOR Mathewson

2929S.02I

SB 796 - This act increases the fees collected by non-Department of Revenue offices for biennial licenses issued and for six year licenses. The fees for licenses renewed biennially are increased from \$4.00 to \$5.00 beginning August 28, 2002. Beginning July 1, 2003, licenses renewed annually are increased

from \$2.50 to \$3.50 and biennial licenses are increased from \$5.00 to \$7.50. Beginning July 1, 2003, fees for six-year driver's licenses are increased from \$4 to \$5.

STEPHEN WITTE

120301 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0797

SENATE SPONSOR Westfall

2895S.02I

SB 797 - This act allows a municipality in Dallas, Polk or Greene County to use condemnation in order to construct or acquire natural gas service. Any city bringing a condemnation proceeding under this section is subject to Section 71.525, RSMo, which prohibits condemnation of public utilities except for specific instances.

This act is identical to SCS/SB 278 (2001).
CINDY KADLEC

120401 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0798

SENATE SPONSOR Westfall

2780S.01I

SB 798 - This act allows U.S. Congressional members to get two sets of specialized license plates. Current law provides only one set of U.S. Congressional plates.

STEPHEN WITTE

120401 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0799

SENATE SPONSOR Westfall

2776S.01I

SB 799 - This act adds the Departments of Agriculture, Revenue and Economic Development to the merit system.

This act is identical to SB 492 (2001).
CINDY KADLEC

120401 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0800

SENATE SPONSOR DePasco

2620S.01I

SB 800 - Under current law, unclassified felonies are subject to a 3-year statute of limitations, while Class A felonies have no statute of limitations and can, thus, be prosecuted at any after the crime has occurred. This act removes the statute of limitations for certain specified unclassified felonies; namely, rape, sodomy and armed criminal action.
SARAH MORROW

120501 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2001

SB 0801

SENATE SPONSOR DePasco

2621S.01I

SB 801 - This act requires the Department of Revenue to reinstate a person's driving privileges if the circuit court finds in favor of the driver. The reinstatement of the driving privileges, however, does not constitute a waiver of the Department's right to appeal.
STEPHEN WITTE

120501 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2001

SB 0802

SENATE SPONSOR DePasco

2623S.01I

SB 802 - This act criminalizes fraudulent use of a credit or debit device for purposes of obtaining a paid property tax receipt to get vehicle license tags. The crime is a Class D felony if the value of the property taxes is \$150 or more, otherwise the crime is a Class A misdemeanor.
JEFF CRAVER

120501 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2001

SB 0803

SENATE SPONSOR Dougherty

2741S.01I

SB 803 - This act broadens the definition of "genetic information" and "genetic testing". Under this act, no insurer may deny coverage to an individual on the basis of the individual's genetic information. This act applies to applications for coverage made on or after January 1, 2001. Under this act, an employer may not obtain genetic information of an employee or prospective employee nor shall an employer require the collection of a DNA sample of an employee or prospective employee. This act also broadens the scope of relief for a person harmed by genetic testing to include civil damages.

This act is identical to SB 412 (2001).
STEPHEN WITTE

120501 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0804

SENATE SPONSOR DePasco

3070S.01I

SB 804 - This act authorizes the Governor to convey 12 distinct property interests held by the Department of Mental Health to Kansas City.
STEPHEN WITTE

120501 Prefiled

010902 S First Read

S50

EFFECTIVE : August 28, 2002

SB 0805

SENATE SPONSOR DePasco

3071S.01I

SB 805 - This act expands the commercial zone around Kansas City from 12 miles to 15 miles for truck weight limitation purposes.

This act is identical to SB 31 (2001).
STEPHEN WITTE

120501 Prefiled
010902 S First Read

S50-51

EFFECTIVE : August 28, 2002

SB 0806

SENATE SPONSOR Caskey

3252S.01I

SB 806 - This act requires counties to deposit a percentage of their ad valorem property tax collections (one-half of one percent, not to exceed \$100,000/year) into a county assessment fund to support installation, operation and maintenance of a geographic information system (GIS) as approved by the county governing body, beginning on January 1, 2003.

This act is similar to SCS/SBs 347 & 487 (2001).
JEFF CRAVER

120601 Prefiled
010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0807

SENATE SPONSOR Klarich

3324S.01I

SB 807 - This act creates the crime of Eluding a Law Enforcement Official. The crime consists of the following elements: operating a vehicle after receiving a light or siren, or after being directed to stop the vehicle by a peace officer who has reasonable suspicion of a violation and purposefully increasing the speed of a vehicle or turning off lights for purposes of eluding a peace officer; or purposefully attempting to elude in any manner.

The new crime is defined as a Class A misdemeanor, unless the defendant knowingly eludes by operating a motor vehicle in a manner which presents a substantial risk of injury to another person, in which case the crime is a Class D felony.
SARA MORROW

120601 Prefiled
010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0808

SENATE SPONSOR Gross

2668S.01I

SB 808 - This act allows individual income taxpayers to claim a tax credit against their state income tax liability for up to \$150 of their property tax liability. The credit can be taken for the 2002 tax year and thereafter.

This act is similar to SB 213 (2001).
JEFF CRAVER

121001 Prefiled

010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0809

SENATE SPONSOR Gross

2730S.01I

SB 809 - This act exempts from state and local sales taxes all amounts paid or charged for admission to a motion picture theater.

This act is identical to SB 567 (2001).
JEFF CRAVER

121001 Prefiled

010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0810

SENATE SPONSOR Dougherty

2809S.01I

SB 810 - This act expands the Utilicare program for elderly, disabled and other qualifying individuals.

Currently, Sections 660.100 through 660.136, RSMo, establish the Utilicare program to provide financial assistance for the heating and cooling of elderly, disabled and qualifying households. This act modifies these two sections by changing the definition of "qualified individual household" and, thus, expanding program eligibility. Eligibility will be based on a household income of less than or equal to 150 percent, rather than 110 percent, of the current federal poverty level or 60 percent of the state median income (Sections 660.100, 660.105).

Current law requires the Department of Social Services to coordinate all federal heating assistance programs along with the

Utilicare program. This act requires the Department to coordinate all federal programs into the Utilicare program (Section 660.110).

Current law allows a payment of \$150 to each eligible household from the Utilicare fund for heating and cooling. This act increases that amount to \$600. Language limiting program expenditures is also deleted (Section 660.115). Section 660.120 is repealed.

Currently, funds may be used to pay for reconnecting or maintaining service of eligible households. New eligibility language is again added for qualified households. Language limiting program expenditures is also deleted (Section 660.122).

Section 660.135, RSMo, currently specifies the amount of appropriations allowed for the program and includes a cost of living adjustment allowance. This act removes these provisions. The Department may currently combine funds with the Department of Natural Resources' low-income weatherization assistance program. Existing language requiring reimbursement is removed and new language requires compliance with federal guidelines (Section 660.135).

The law established the "Utilicare Stabilization Fund". New language provides that funds may come from any source, including federal funds under the Community Opportunities Accountability and Training and Educational Services Act. Existing language regarding the investment of such funds is removed and new language requires all funds to be used for Utilicare and LIHEAP (Section 660.136).

ERIN MOTLEY

121001 Prefiled
010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0811

SENATE SPONSOR Dougherty

2745S.01I

SB 811 - This act requires that a minimum level of salary schedule credit be offered to public school teachers who change employment from one Missouri school district to another as specified in the act. Beginning with the 2002-2003 school year, teachers who have been employed for one year or more shall be offered credit for each year of service up to 5 years, with annual increases thereafter through the 2007-2008 school year. School districts may offer credit in excess of the schedule.

The act also specifies that moneys necessary to fund this section shall be appropriated from the state lottery fund in the event the courts declare that Section 16 of Article X of the Missouri Constitution applies to any provision of Section

168.090, RSMo (Section 168.095).

This act is similar to SB 483 (2001).
DONALD THALHUBER

121001 Prefiled
010902 S First Read S51

EFFECTIVE : August 28, 2002

SB 0812

SENATE SPONSOR Russell

3407S.01I

SB 812 - This act requires all executive orders issued after
January 1, 2003, to be published in the Missouri Register.
STEPHEN WITTE

121101 Prefiled
010902 S First Read S51

EFFECTIVE : August 28, 2002

SB 0813

SENATE SPONSOR Mathewson

3395L.01I

SB 813 - This act modifies appropriation procedures for
community college districts. In addition to funds for operating
purposes, each community college district would be eligible to
receive an annual appropriation, exclusive of any capital
appropriations, for the cost of maintenance and repair of
facilities and grounds, as well as the purchase of equipment and
furniture. The act also allows capital appropriations to be
excluded from the rule that states that these annual
appropriations shall not exceed ten percent of the state
appropriations to community college districts for operating
purposes during the most recently completed fiscal year.
DONALD THALHUBER

121101 Prefiled
010902 S First Read S51

EFFECTIVE : August 28, 2002

****SB 0814****

SENATE SPONSOR Childers

3270S.01I

SB 814 - This act directs the Director of Revenue to credit a person's driver's license for the period of suspension a person serves in another state.

STEPHEN WITTE

121101 Prefiled

010902 S First Read

S51

EFFECTIVE : August 28, 2002

****SB 0815****

SENATE SPONSOR Childers

2506S.07I

SB 815 - This act modifies funding for fire protection. The Fire Safety Fund is created and will consist of any monies remaining in the Fire Education Fund. The Fire Safety Fund will receive annual transfers of .5% of the amount of premium taxes collected. The Fire Safety Fund will be divided such that 40% of the money will go to the fire department grants fund and 20% of the money will be spent on fire education programs. The remaining funds will be used at the discretion of the Missouri Fire Safety Commission and will be used to fund the five fire consultants.

The Fire Safety Commission is created. The members will include the State Fire Marshall and six members appointed by the Governor with the advice and consent to the Senate. No more than half of the members shall be from a single political party and no more than one member shall be from a single Congressional district. A maximum of five FTE fire consultants will be employed by the Division of Fire Safety and work in regions across the state as determined by the Commission. The fire consultants will work with local fire departments to improve fire protection. Funding for the fire consultants will come from the Fire Safety Fund.

The Fire Department Grants Fund is established and will consist of 40% of the transfers made to the Fire Safety Fund. Grants may be made from this account to fund requests for fire departments serving an area with a population of less than 10,000. The Fire Safety Commission shall administer the grant program and is authorized to promulgate rules to implement the grant program.

CINDY KADLEC

121101 Prefiled

010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0816

SENATE SPONSOR Gross

2719S.01I

SB 816 - This act details information to be included in physician abortion reports.

Section 188.015, RSMo, is modified to include a definition for the Department of Health and language allowing interpretation of the definitions is removed. Currently, Section 188.052, RSMo, requires a physician to submit an abortion report for each abortion he or she performs. New language specifies that the report shall include, but not be limited to, the following:

Information required by federal reports and organizations, such as the Centers for Disease Control and Prevention;

Information regarding the type of procedure used to perform the abortion; and

Specific reasons the woman sought the abortion.

In addition, a physician must currently submit an individual complication report for post-abortion care. The Department must publish an annual statistical report. New language requires the report to include data on abortions or induced and post-abortion care. The report must contain the gestational age by weekly increments at which abortions are performed. The report must not include any information that would allow the identification of a patient, physician, or hospital or abortion facility.

Currently, Section 188.070, RSMo, provides for a misdemeanor for violation of confidentiality. New language increases the penalty to a Class D felony if any person who knowingly violates the confidentiality of records, reports, or documents maintained by the abortion facility or Department of Health. A new Section 191.655 is also added to allow an action for breach of medical record confidentiality, if not otherwise provided for. Damages, court costs, attorney's fees, and other relief are allowed for negligent, willful, intentional, or reckless violation of such confidentiality.

This act is identical to SB 477 (2001).
ERIN MOTLEY

121101 Prefiled
010902 S First Read

S51

EFFECTIVE : August 28, 2002

****SB 0817****

SENATE SPONSOR Gross

3455S.01I

SB 817 - This act addresses "dram shop" liability. The act finds that the consumption of intoxicating beverages, rather than the sale or serving of such beverages, is the proximate cause of any injury inflicted by an intoxicated person. A cause of action may be brought against a person licensed to sell intoxicating liquor by the drink for consumption on the premises if the sale of the intoxicating liquor was to a person under 21 or who is obviously intoxicated is the proximate cause of the injury or death. The sale to a person under 21 or an obviously intoxicated person must have been done knowingly and proven beyond a reasonable doubt. The term "obviously intoxicated" is defined for purposes of the section.

This act is similar to SCS/HB 421 (2001).
CINDY KADLEC

121101 Prefiled
010902 S First Read

S51

EFFECTIVE : August 28, 2002

****SB 0818****

SENATE SPONSOR Westfall

3312S.01I

SB 818 - This act changes the mental state of a person who fails to comply with an lawful order of a police officer or fire department official from willfully to knowingly. This act includes blue flashing lights for authorized emergency vehicles. This act removes the requirement that the motorman of a streetcar stop the streetcar upon the approach of an authorized emergency vehicle. This act removes the provision of law regarding written accident reports. This act removes the exclusion that written accident reports shall not be used as evidence in a court proceeding. This act expands the rule that a driver shall not follow an emergency vehicle closer than 500 feet. The current restriction only applies to fire engines. This act removes a provision of law regarding when police officers are authorized to remove motor vehicles.

This act is identical to SB 609 (2001).
SARAH MORROW

121201 Prefiled
010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0819

SENATE SPONSOR Bentley

3212S.01I

SB 819 - This act raises the age limit for the death penalty
from 16 to 18.
SARAH MORROW

121201 Prefiled

010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0820

SENATE SPONSOR Bentley

3290S.01I

SB 820 - This act allows foster parents to receive a
dependency exemption on their state income tax returns. Section
143.161 currently describes who is entitled to a dependency
exemption. A new subsection is added to waive the fifty percent
support threshold for foster parents if any foster child has
lived within the home for at least ten months of the year.

This act is identical to SB 45 (2001).
ERIN MOTLEY

121201 Prefiled

010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0821

SENATE SPONSOR Dougherty

2966S.01I

SB 821 - This act would allow the Division of Design and
Construction to contract for guaranteed energy cost savings.
Contractors must be selected based on experience, capability,
past performance and proximity of the firm. The contract must
otherwise be in accordance with Section 8.231, RSMo.
CINDY KADLEC

121201 Prefiled

010902 S First Read

S51

EFFECTIVE : August 28, 2002

SB 0822

SENATE SPONSOR Dougherty

2631S.01I

SB 822 - This act modifies the mandated prostate examination provision of the law by requiring coverage for prostatescint imaging for a nonsymptomatic man who has an above normal prostate membrane antigen expression.

This act is identical to SB 588 (2001).
ERIN MOTLEY

121201 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0823

SENATE SPONSOR Cauthorn

3334S.01I

SB 823 - This act exempts from a senior (age 65 and over) individual taxpayer's state adjusted gross income the amount of annuity, pension and retirement allowances provided to the taxpayer during the tax year. The exemption makes those amounts no longer subject to state income tax.

This act takes effect for tax years beginning on or after January 1, 2003.

This act is similar to SB 403 (2001).
JEFF CRAVER

121201 Prefiled

010902 S First Read

S52

EFFECTIVE : January 1, 2003

SB 0824

SENATE SPONSOR Cauthorn

3335S.01I

SB 824 - This act exempts residential property owned by the elderly (65 and over) from increases in assessed valuation. The property must be the principal residence of the qualified owner and the qualified owner must have declared ownership and actually paid the property taxes on the property for at least three consecutive years.

The act requires the State of Missouri to hold local political subdivisions harmless for any tax revenues lost as a result of the act.

This act becomes effective January 1, 2003.

This act is similar to SB 716 (2002).

JEFF CRAVER

121201 Prefiled

010902 S First Read

S52

EFFECTIVE : January 1, 2003

SB 0825

SENATE SPONSOR Schneider

3394S.01I

SB 825 - This act creates a commission of the Administrative Law Judges of the Missouri Division of Workers Compensation. For each Division office that employs more than one Administrative Law Judge (ALJ), the office shall be headed by a chief ALJ who shall supervise the office, assign judges and ensure decisional independence of each judge, establish standards and training programs and coordinate continuing education programs, effective January 1, 2003.

JIM ERTLE

121301 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0826

SENATE SPONSOR Gross

3460S.01I

SB 826 This act allows the holder of a bad check to send a notice and written demand for payment by regular mail that is supported by an affidavit of service by mailing. Notice would then be deemed conclusive three days following the date the affidavit is executed. This act allows the thirty days to begin running three days after the affidavit was executed. Currently, the only way a holder of a bad check could send notice and written demand for payment is either by certified or registered mail.

SARAH MORROW

121301 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0827

SENATE SPONSOR Dougherty

2795S.03I

SB 827 - This act requires health insurance companies to provide coverage for routine patient care costs incurred as the result of clinical trials undertaken to treat cancer or other life-threatening illnesses. Entities providing clinical trial treatment must have sufficient expertise and training to treat a sufficient number of patients. There must be equal to or superior non-investigational treatments alternatives available before providing clinical trial treatment. Clinical trial coverage shall include coverage for drugs and devices approved by the FDA, whether or not the FDA has approved the drug or device for the patient's particular condition.

The clinical trials will only be covered if they are approved or funded by the following entities:

- 1) One of the National Institutes of Health (NIH);
- 2) An NIH Cooperative Group of Center;
- 3) The FDA in the form of an investigational new drug application;
- 4) The federal Department of Veteran's Affairs of Defense;
- 5) A Missouri institutional review board which has a multiple project assurance contract approved by the Office of Protection for the Research Risks of the NIH;
- 6) Research entities that meet the criteria for NIH Center support grant eligibility; or
- 7) A panel of qualified experts in clinical research.

Every June 1st, health insurers must submit reports on its coverage of clinical trials during the previous year to the Director of Insurance. The Director shall submit an annual summary report to the Speaker of the House and the Pro Tem of the Senate. Reports shall be available to the public upon request.
STEPHEN WITTE

121301 Prefiled
010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0828

SENATE SPONSOR Dougherty

2830L.02I

SB 828 - This act outlines the rights and responsibilities of the Division of Family Services and foster parents. A new Section 453.330 is created to list rights and duties including:

- treatment of parents and children;
- clear explanation of a foster parent's role;
- training and support;

- pre-placement visits and sharing information about the child;
- participation in case management of the child;
- notification of court hearings;
- communication with professionals;
- decision-making authority;
- ability to request removal of a child in certain cases;
- preference of foster parents as permanent parents;
- provision of twenty-four hour assistance;
- timely reimbursement; and
- confidentiality.

An additional new Section 453.333 is created to note a foster parent's right to be free from reprisal. The Department of Social Services is prohibited from retaliating against a foster parent in certain circumstances.
ERIN MOTLEY

121301 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0829

SENATE SPONSOR Dougherty

3337S.01I

SB 829 - This act gives the Department of Health and Senior Services authority to receive and investigate written complaints of indoor air quality made by an employee of a public school. The Department may investigate, determine the origin of the problem and make recommendations on mitigation of the problem.
CINDY KADLEC

121301 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0830

SENATE SPONSOR House

2468S.02I

SB 830 - This act authorizes an adopted person over the age of 50 to obtain a copy of his or her original birth certificate.
ERIN MOTLEY

121401 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

****SB 0831****

SENATE SPONSOR Loudon

3489S.01I

SB 831 - This act establishes December 15 as "Bill of Rights Day" in Missouri.
MARTY DREWEL

121401 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

****SB 0832****

SENATE SPONSOR Schneider

3458S.01I

SB 832 - This act allows an Administrative Law Judge to appoint an impartial physician to examine, at the request of the State, upon a finding that there is no other adequate medical evidence available and necessary to Second Injury Fund Claims. The physician's fee and other reasonable costs may be assessed by the administrative law judge against any party and becomes immediately payable.

The act also allows interest to run 15 days after an award except as otherwise modified upon review or appeal, and modifies the statute of limitations on Second Injury Fund claims, making it consistent with other workers' compensation claims.

This act is identical to SB 496 (2001).
JIM ERTLE

121701 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

****SB 0833****

SENATE SPONSOR Schneider

3466S.01I

SB 833 - This act requires certain departments to notify the Attorney General's (AG) office before entering into certain contracts. New sections 620.012 and 620.013 are created to require the Departments of Economic Development and Social Services, respectively, to notify the AG's office of any contracts involving payments over \$100,000. Upon receipt of the notification, the AG's office must review and approve or deny the contract within ten days. If the AG does not approve, recommendations shall be provided as to additional provisions necessary to protect the state's legal interest. If the AG does

not respond within ten days to thirty days, depending on the type of contract, then the contract is deemed approved.

ERIN MOTLEY

121701 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0834

SENATE SPONSOR Sims

3512S.01I

SB 834 - This act allows the Supervisor of Liquor Control to issue a retail license to sell intoxicating liquor between the hours of 11:00 a.m. and midnight on Sunday to any establishment located in an international airport and owned or leased and operated by an airline. This license will cost \$200 in addition to all other fees required by law. City and county regulations and fees will also apply to the license.

This act is identical to HB 1065 (2002).
STEPHEN WITTE

121701 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0835

SENATE SPONSOR Bland

3323S.01I

SB 835 - This act modifies the law relating to the rights of persons with service animals.

Definitions are provided relating to service animals (Section 209.200). Persons are prohibited from refusing to rent a dwelling because a service animal will reside there. Reasonable modifications should be made, but no physical modifications are necessary to accommodate the animal. Extra charges may not be required and landlords may require proof that an animal is a service animal. No restriction on property or a real estate transaction will be enforceable if it prohibits service animals (Section 209.202).

Discrimination by an employer against a person with a disability is prohibited if it involves that person's use of a service animal (Section 209.204).

Persons or places of lodging are prohibited from requiring additional charges or denying equal services to a person using a service animal. Service animals must be restrained with a

harness or leash and evidence of service animal status must be provided. Any person who violates this section may be subject to criminal prosecution or a complaint with the Human Rights Commission (Section 209.206).

Public transportation operations are prohibited from refusing service or charging additional fees to a person using a service animal. Violators may be subject to prosecution or a Commission complaint (Section 209.208).

Motor vehicle drivers and persons using service animals must both take necessary safety precautions. Any driver failing to do so will be liable for actual damages. Any person who intentionally causes an accident or injury to a person using a service animal or animal itself will be guilty of a Class B misdemeanor (Section 209.210).

Section 209.212 contains the following provisions for violations against service animals, but does not include lawful acts of humane societies, animal control or shelters:

1. Intentional destruction or injury, unless for humane purposes is a Class C felony.
2. Intentional deprivation or fraud is a Class A misdemeanor or theft/possession of stolen property.
3. Negligent or malicious killing or injury will entail civil liability to the user for \$1000 plus fees.
4. Willful or malicious injury is a Class C felony.
5. Sale or transfer of a stolen animal is a Class C felony.
6. Willful or negligent injury or destruction will entail civil liability for value of animal and related costs.

Any person misrepresenting an animal as a service animal is guilty of a Class B misdemeanor (Section 209.214).

The owner of a service animal will be liable for any damages caused by the animal. Owners must keep service animals restrained while in use or be subject to civil liability for any damages. Service animals must be identifiable by their restraint method or other identifier (Section 209.216).

The Human Rights Commission does not have jurisdiction regarding the violation of Sections 209.160 or 209.212, which will be within the jurisdiction of the County Prosecutor. The Commission will have jurisdiction over the remaining sections. Upon a showing that a complaint has been filed with the Commission, a prosecutor may withdraw any pending action on the same violations (Section 209.218).

ERIN MOTLEY

01/11/02

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

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010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0836

SENATE SPONSOR Gross

3450S.01I

SB 836 - This act incorporates the federal Mobile
Telecommunications Sourcing Act into Missouri law, and provides
consumer remedies for erroneous tax charges.

JEFF CRAVER

121701 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0837

SENATE SPONSOR Cauthorn

3336S.01I

SB 837 - This act excludes ethanol from the requirement that
oxygenates be labeled.

CINDY KADLEC

121701 Prefiled

010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0838

SENATE SPONSOR Caskey

3289S.02I

SB 838 - This act mandates insurance coverage for
children's hearing aids. This mandated coverage will be required
in all health policies issued or renewed after January 1, 2003.
The required coverage shall not be subject to greater deductibles
or copayments that exceeds 20% of the actual covered service
costs. Insurers are prohibited from requesting hearing acuity
information from the insureds. The mandated coverage does not
apply to certain types of policies such as supplemental insurance
policies or specified disease policies. The act describes what
type of hearing aids are covered. Policies subject to this act
must provide replacement hearing aids for the child at least
every 3 years. Hearing aids, prescriptions and consumable
supplies must be reimbursed at the usual and customary charges of
the licensed professionals. A health insurer or health benefit
plan subject to this mandate may limit the benefits payable for
hearing aids to \$2,500 per hearing aid for each ear with a
hearing loss. An insured may choose a hearing aid higher than

the benefit payable and may pay the difference between the price of the hearing aid and the benefit payable.

STEPHEN WITTE

121801 Prefiled
010902 S First Read

S52

EFFECTIVE : August 28, 2002

SB 0839

SENATE SPONSOR Goode

3340S.03I

SB 839 - This act regulates high-cost home loans and establishes certain lender reporting requirements. The act prohibits specific practices with respect to high-cost home loans, including prepayment penalties, issuing high-cost loans stipulating negative amortization, loan flipping, making misleading statements about a residential home loan transaction, and compensating or intimidating appraisers to influence their judgment with regard to the value of the real estate.

ATTORNEY GENERAL'S POWERS - This act deletes a portion of current law which prohibits the Attorney General from moving forward with a unfair practice charge against a company under the supervision of the Department of Insurance, director of the Division of Credit Unions or the Division of Finance. Under this act, the Attorney General's office will be able to proceed with charges against those companies.

PROHIBITED PREDATORY LENDING PRACTICES - Under this act, no prepayment penalties are allowed with respect to high cost home loans. Lenders are prohibited from engaging in the practice of negative amortization. Lenders are prohibited from engaging in the practice known as loan flipping. Lenders are prohibited from encouraging default on an existing loan in the connection with the closing of a consumer home loan. Lenders must reasonably believe that borrowers can repay the loan based on current and expected income, debt, and other financial resources other than the borrower's equity in his or her home. A borrower shall be presumed to be able to make payments under the loan if the borrower's total monthly debts do not exceed 50% of the borrower's monthly gross income. Lenders may not charge a fee for an unprovided service or misrepresent the amount charged by a third party service. Lenders may not make misleading statements with respect to a residential loan transaction regarding the borrower's ability to qualify. Lenders may not compensate or intimidate an appraiser regarding the value of real estate. Lenders may not finance certain forms of insurance through the home loan or for debt cancellation. High-cost loans in which blanks are left to be filled in after contracts are signed are unenforceable.

CONTRACT LANGUAGE REQUIREMENTS - This act requires the lender to provide a copy of the loan in a different language if the

discussions leading to the loan were in a different language.

PROHIBITED HIGH-COST LOAN CONTRACT TERMS AND PRACTICES - High-cost loans may not contain scheduled payments which are more than twice as large as the average of the earlier scheduled payments. High-cost loans can not contain terms which require more than two periodic payments are consolidated and paid in advance from the loan proceeds. High-cost loans can not contain provisions which increase the interest rate after default. High-cost loans may not contain provisions which allow the lender to increase the indebtedness at his or her discretion. Lenders are prohibited from charging borrowers fees to modify, renew or amend high-cost loans or to defer payments under the terms of the loan. Lenders are prohibited from making high-cost loans without first receiving certification from HUD that the borrower has received loan counseling. High-cost loans may not contain mandatory arbitration clauses. Lenders are prohibited from paying home-improvement contractors from the high-cost loan unless the instrument is both payable to the borrower and contractor, or through a third-party escrow agent.

GOOD FAITH - Lenders who attempt to evade the high-cost loan prohibitions by structuring the loan as an open-ended account transaction or some other transaction are still subject to the act. Lenders acting in good faith who fail to comply with Section 408.719 may evade prosecution if they notify the borrower of the compliance failure and make appropriate restitution.

PENALTIES AND REMEDIES - Lenders who violate this act will be liable to the borrower for actual damages, statutory damages equal to the finance charges in the agreement plus 10% of the amount financed, punitive damages for an intentional or reckless violation of the act, and reasonable attorney fees and costs.

Borrowers may be granted injunctive relief. If the lender intentionally violated this act, the loan is void rendering the lender incapable of collecting on the loan and the borrower may recover any payments under the agreement. The borrower also has the right to rescind the agreement against a party foreclosing on the loan.

UNLAWFUL TRADE PRACTICE - Violations of this act are deemed to be unlawful trade practices and may be prosecuted by the Attorney General's office.

INVESTMENT PROHIBITIONS - Lenders are prohibited from making investments which are backed by loans violating the act.

REPORTING REQUIREMENTS - Lenders which are exempt from federal reporting requirements because of the amount of loans they originated the proceeding year are required to report similar information to the Division of Finance. Lenders must report to the Division of Finance the average and median interest rates of mortgage loans they originate grouped by income levels, gender and racial categories. The reporting requirements become effective January 1, 2004.

The rest of the act is effective January 1, 2003. This act is similar to HB 181 (2001).

STEPHEN WITTE

121801 Prefiled
010902 S First Read

S53

EFFECTIVE : January 1, 2003

SB 0840

SENATE SPONSOR Gross

3397S.01I

SB 840 - This act revises the statute of limitations and adds economic loss damages for home improvements. The ten-year statute of limitations remains the same. Currently, the time period begins to run at completion of the improvement. "Completion" is not defined in the statute.

This act changes the starting date of the time limit to "substantial completion" and sets forth a definition of substantial completion. The act also adds economic loss to the list of damages restricted by the ten-year time limit.

This act requires the plaintiff, in an action against a architect, engineer or surveyor, to file an affidavit with the court stating that the plaintiff obtained the written opinion of a legally qualified like licensed professional. The statement made by the licensed professional should state that the defendant licensed professional failed to use such care as a reasonably prudent and careful licensed professional would have under similar circumstances. The affidavit should be filed within ninety-five days of the filing of the petition. The case may be dismissed if the plaintiff or his attorney fails to file such affidavit. This act does not apply to actions filed in small claims court.

This act is similar to SCS/SBs 253 & 260.
CINDY KADLEC

121801 Prefiled
010902 S First Read

S53

EFFECTIVE : August 28, 2002

SB 0841

SENATE SPONSOR Klarich

3509S.01I

SB 841 - This act requires health carriers to provide chiropractic care as part of basic health care services. Covered enrollees who wish to receive such care shall have direct access to a chiropractic physician within the provider network. The

enrollee shall have the right to obtain clinically necessary and appropriate follow-up care. Health carrier gatekeepers shall not intentionally misinform an enrollee about the availability of chiropractic services under the enrollee's plan. Chiropractic services provided by a chiropractor shall be subject to reasonable deductibles, copayments and other benefit limits, but such limits shall not function to direct treatment in a manner which unfairly discriminates against the chiropractor.

STEPHEN WITTE

121901 Prefiled

010902 S First Read

S53

EFFECTIVE : August 28, 2002

SB 0842

SENATE SPONSOR Klarich

3452S.01I

SB 842 - This act requires managed care organizations to provide chiropractic benefits to enrollees. A covered enrollee may utilize chiropractic services without discrimination relative to access, fees, deductibles, copayments, and benefit limits. This act prohibits a managed care organization from prohibiting a chiropractic doctor from providing care on an elective, self-pay, fee-for-service basis.

STEPHEN WITTE

121901 Prefiled

010902 S First Read

S53

EFFECTIVE : August 28, 2002

SB 0843

SENATE SPONSOR Stoll

3266L.01I

SB 843 - This act requires mobile home park landlords to provide tenants who own their homes to provide 180 days notice when the landlord requires them to move due to a change in use. During this period, the landlord shall not increase the rent except for a rent increase based upon increased property taxes.

Under this act, a manufactured home dealer or manufacturer may have his or her license suspended or revoked for failing to provide notice to a purchaser of a used manufactured home that the Public Service Commission does not regulate setup of used manufactured homes.

This act requires persons who hold a security interest in manufactured homes to verify to the Department of Revenue that he or she has paid the landowner in which the manufactured home was repossessed from all past due rent that the holder is obligated

to pay under this act.

Under this act, a landowner shall have a lien against an abandoned manufactured home for unpaid rent. The process for enforcing the lien on unpaid rent is modified under the act. The landowner must provide the manufactured home owner notice before enforcing the lien. The landowner must give the home owner opportunity to redeem the home by paying all unpaid rent. The notice must also advise the home owner of his or her legal rights and that the home owner may contest the lien filing by filing a petition to that affect in the county circuit court in which the home is located. If the home owner does not redeem the home within 30 days of the notice or the home owner does not contest the lien within 10 days of receiving the notice, the title to the home will be transferred to the land owner. The land owner must apply for a certificate of title with the Department of Revenue. If the Director of the Department of Revenue is satisfied with the contents of the application, an original certificate of title to the manufactured home will be issued to the land owner.

If the owner contests the lien in circuit court, he or she will have to post a bond for the unpaid rent in order to have the home released. Once the bond is posted, the court will direct the land owner to release the home to the home owner. The court will also determine whether unpaid rent is due. The court may direct that the rent be paid from the posted bond or grant the landowner a security interest in the home.

If a manufactured home is abandoned on a landlord's land which is subject to another lien which is in default, the landlord must give notice to the manufactured home owner and the party holding the lien. The notice must contain a statement that if the home is not removed within 30 days, the homeowner will continue to be liable for rent and that the lienholder will be liable for rent accruing after the 30-day period. The homeowner and the perfected lienholder shall not remove the home from the property until the landlord is paid for past due rent. The perfected lienholder is not entitled to a certificate of title from the Department of Revenue until the lienholder has paid all rent it is obligated to pay under this act.

STEPHEN WITTE

121901 Prefiled
010902 S First Read

S53

EFFECTIVE : August 28, 2002

SB 0844

SENATE SPONSOR Loudon

3120S.01I

SB 844 - This act prohibits reassessment of previously assessed real property and improvements until such time as there is a change in ownership of the property.

JEFF CRAVER

121901 Prefiled
010902 S First Read S53

EFFECTIVE : August 28, 2002

SB 0845

SENATE SPONSOR Russell

3614S.01I

122001 Prefiled
010902 S First Read S53

EFFECTIVE : August 28, 2002

SB 0846

SENATE SPONSOR Singleton

3382S.01I

122001 Prefiled
010902 S First Read S53
011002 BILL WITHDRAWN

EFFECTIVE : August 28, 2002

SB 0847

SENATE SPONSOR Singleton

3404S.01I

SB 847 - This act allows public schools to offer American Sign Language (ASL) classes for foreign language credit. Such schools must give academic credit for ASL courses if credit is offered for other foreign language classes and must allow it to satisfy any foreign language requirements at the school. Credit may be earned by completing a course or by demonstrating an appropriate level of proficiency in ASL. The Missouri Commission for the Deaf will provide assistance in developing ASL courses when necessary.

ERIN MOTLEY

122001 Prefiled
010902 S First Read S53
011002 BILL WITHDRAWN

EFFECTIVE : August 28, 2002

****SB 0848****

SENATE SPONSOR Singleton

3416S.01I

SB 848 - This act allows refusal, suspension, or revocation of certain professional licenses due to student loan default.

Currently the Missouri State Board of Education may refuse, suspend, or revoke a teaching certification for certain reasons. This act allows the Board to do so upon proof that a person is in default on the repayment of a student loan guaranteed by the Department of Higher Education if the person has not made arrangements to repay. The Board may not refuse, suspend, or revoke based only on a failure to make satisfactory arrangements (Section 168.071).

A new section is created to require the Department of Higher Education to provide notice of any person in default on school loans. Notice must be given to certain departments within sixty days of determination. Sixty days after passage of this act, the Department must provide names of those currently in default to all such departments. The Department must also, however, provide the names of those who have made arrangements to repay. The Department must create a procedure for determination of default by rule and may garnish state payments to persons in default (Section 173.117).

Another new section prohibits the issuance of a license required by Chapter 375, RSMo, to any person in default who has not made satisfactory arrangements to repay. A license may not be refused if a person has made satisfactory arrangements (Section 375.091).

Current law lists reasons the Director of the Department of Insurance may revoke, refuse, or suspend an insurance producer license. This act allows the Director to refuse to issue or renew the license of an insurance agent or broker if that person is in default and has not made arrangements to repay. Refusal will not be allowed if such arrangements are made (Section 375.141).

The law currently outlines reasons an attorney may be removed or suspended from practice. New language adds bad faith avoidance of repayment of a loan as a reason (Section 484.190).

A new section is created to prohibit the Board of Law Examiners from allowing a person to take the Bar exam, admit a person to the Bar, or accept enrollment fees from a person if he or she is in default, unless proof of satisfactory arrangement is shown. It will be considered professional misconduct for a person to avoid repayment of a loan in bad faith if such loan is guaranteed by Higher Education. The discharge of a loan due to bankruptcy will not be considered bad faith (Section 484.280).

A new section requires the Director of the Division of Professional Registration to notify its boards and commissions of

members who are in default, unless satisfactory arrangements have been made. The Director must maintain indicators of loan status in the Division's registry. Boards and Commissions are prohibited from renewing or granting licenses to those persons in default, unless satisfactory arrangements have been made (Section 620.143).

This act is identical to HB 1071 (2002).
ERIN MOTLEY

122001 Prefiled

010902 S First Read

S53

EFFECTIVE : multiple effective dates

SB 0849

SENATE SPONSOR DePasco

3564S.01I

SB 849 - This act creates the crime of "enticement of a child" when a person uses words, action, electronic mail, or the Internet in attempting to persuade any person less than sixteen years of age to leave home or school or persuade a child to enter an enclosed area to conceal the child from public view for the purposes of engaging in lewd, illicit, or criminal conduct with the child. The penalty for enticement of a child is a Class A misdemeanor. If the person has either pled guilty or been found guilty of violating this section, Section 568.045, 568.050, or 568.060, RSMo, or Chapter 566, RSMo, the violation becomes a Class D felony.

This act is identical to HB 1227 (2002).
SARAH MORROW

122001 Prefiled

010902 S First Read

S53

EFFECTIVE : August 28, 2002

SB 0850

SENATE SPONSOR House

3582S.01I

SB 850 - This act modifies the regulation of telemarketers. Section 407.1095, RSMo, currently defines terms relating to telemarketing. The term "telephone solicitation" is revised by removing the following exemptions:

Business relationships within the past 180 days;
Entities regulated by federal agencies; and
Referrals, professionals setting up appointments, or other calls from persons working out of the home.

This act is similar to SB 548 and contains an emergency clause.

ERIC ROSENKOETTER

122001 Prefiled
010902 S First Read

S53

EFFECTIVE : Emergency Clause

SB 0851

SENATE SPONSOR Westfall

3067S.02I

SB 851 - This act makes various changes to Missouri's billboard law.

LIGHTING REGULATIONS - This act updates specifically allows Tri-vision, projection and changeable message signs to be subject to MoDOT lighting regulations.

CUTOUTS, EXTENSION, AND STACKING - This act allows cutouts and extensions on nonconforming signs and makes existing stacked signs legal nonconforming.

ZONED AREAS - This act requires businesses to have the presence of an owner or employee on the premises for at least 20 hours per week to be considered a valid business when determining whether a property is commercial or industrial.

PERMIT FEES - This act increases original permit fee to erect a billboard from \$28.50 to \$200 and increases biennial inspection fees to \$50 on August 28, 2002, \$75 on August 28, 2003, and \$100 on August 28, 2004.

REMOVAL OF BILLBOARDS - This act allows for the non-compensated removal of billboards for failing to pay fees over 12 months. This act increases the amount of time to cure a billboard violation from 30 to 60 days and requires actual notice of a violation before removal of a sign.

VEGETATION PERMITS - This act requires vegetation permits to be issued according to current MoDOT rules and regulations. The act also allows certain utility companies to remove and trim vegetation without a permit.

This act contains an emergency clause.

This act is similar to SB 247 (2001).
STEPHEN WITTE

122001 Prefiled
010902 S First Read

S53

EFFECTIVE : Emergency Clause

SB 0852

SENATE SPONSOR Bland

3530S.01I

SB 852 - This act requires insurance companies to offer coverage for weight reduction counseling services for persons who are 50 pounds or more overweight and have been diagnosed by a doctor that such excess weight is or will create health problems.
STEPHEN WITTE

122101 Prefiled

010902 S First Read

S53

EFFECTIVE : August 28, 2002

SB 0853

SENATE SPONSOR Stoll

3607S.01I

SB 853 - This act establishes the "Collaborative for Applied Experiences in Science" (CAES) program, for the purpose of increasing the statewide potential scientific and technical workforce by identifying, recruiting, and retaining talented in-state and resident out-of-state undergraduates. To achieve this end, CAES will:

- Develop a summer employment program emphasizing the development of research and technical skills in the fields of science, mathematics, computer science, and engineering;
 - Provide mechanisms for retaining high potential students;
 - Introduce students to the potential career opportunities within the state;
 - Facilitate employer access to a highly select talent pool;
- and
- Keep collegiate-level students from Missouri who attend national and regional universities informed about career opportunities in the state.

The Division of Job Development and Training within the Department of Economic Development (in potential cooperation with state, local, public or private agencies) will establish appropriate allocations from their respective budgets to be made for the operation of the CAES program. Funding may come from, but is not limited to, the federal Workforce Investment Act, the one-eighth of one cent sales tax as authorized by sections 43(a) and 43(b) of article IV of the Missouri Constitution, and other discretionary funds.

DONALD THALHUBER

122101 Prefiled
010902 S First Read

S53

EFFECTIVE : August 28, 2002

SB 0854

SENATE SPONSOR Gross

2601S.03I

SB 854 - This act is entitled "The Terrorism Prevention Act". This act adds an exemption to Sunshine Law, allowing closure of meetings and records directly and indirectly related to terrorism readiness information.

This act requires the chief executive office of a hospital to develop a written preparedness plan.

This act creates the "Governor's Expert Emergency Epidemic Response Committee" to develop a supplement to the state disaster plan by January 1, 2003.

This act creates felonies for the possession of and unlawful use of weapons of mass destruction, biological terrorism, destruction of public resources, threatening to use weapons of mass destruction and possession of biological agents.

SARAH MORROW

122101 Prefiled
010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0855

SENATE SPONSOR Caskey

3581S.01I

SB 855 - This act requires persons required to register as sex offenders under current law to register with county officials within 10 days of moving to another county or being released from custody.

This act also grants immunity for officials except in instances of gross neglect or willful misconduct.

This act is similar to a portion of SB 214 (2001).

SARAH MORROW

122801 Prefiled
010902 S First Read

S54

EFFECTIVE : August 28, 2002

****SB 0856****

SENATE SPONSOR Russell

3622S.01I

SB 856 - This act establishes a new enterprise zone for Wright County.
JEFF CRAVER

122801 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

****SB 0857****

SENATE SPONSOR Dougherty

3626S.01I

SB 857 - This act creates a price gouging law. During a declared state of emergency, a person commits price gouging if he or she charges an excessive price for necessities in connection with an advertised price or sale. A person suspected of price gouging has an affirmative defense if he or she can provide written documentation that the price of the necessity was increased due to an increase in the cost to obtain the necessity; and the price increase was beyond the person's control.

A person engaging in price gouging is liable for three times the amount unfairly received in the transaction.
SARAH MORROW

122801 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

****SB 0858****

SENATE SPONSOR Dougherty

3451S.01I

SB 858 - This act provides metropolitan school districts (the Board of St. Louis Public Schools) the power to raise the compulsory attendance age to seventeen, whereas in all other school districts the compulsory attendance age is sixteen. Such a resolution changing the compulsory attendance age can only take effect after the school year during which the resolution is passed. The act also allows school boards to raise the mandatory age for part-time attendance from fifteen to sixteen.

The act also exempts the parents of home school students above the age of sixteen in the city of St. Louis from the requirements that specify hours of instruction and maintaining certain records (i.e. written record, academic samples,

evaluations). Further, the act allows home school educators of students over sixteen in the city of St. Louis to only supply a written statement that the pupil is attending home school as a defense against any prosecution for educational neglect or violation of the compulsory attendance law.

DONALD THALHUBER

122801 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0859

SENATE SPONSOR Russell

3615S.01I

SB 859 - This act exempts dependents of active military personnel from the residency requirement of the A+ Schools program.

DONALD THALHUBER

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0860

SENATE SPONSOR Rohrbach

3588L.01I

SB 860 - This act changes the name of the "Missouri Commission for the Deaf" to the "Missouri Commission for the Deaf and Hard of Hearing" in the statutes.

ERIN MOTLEY

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0861

SENATE SPONSOR Rohrbach

3587L.01I

SB 861 - This act modifies the definition of "American Sign Language" to include that it is the native language of many deaf Missourians.

ERIN MOTLEY

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0862

SENATE SPONSOR DePasco

3617S.01I

SB 862 - Under this act, a Home Builders Licensure Board is created to license and regulate home builders. After January 1, 2002, each home builder will have to be licensed by this agency in order to engage in the home building industry. Certain builders are exempted from obtaining a license (people who build their own house or those who manufacture mobile homes for instance).

The Board, by filing a complaint with the Administrative Hearing Commission, may revoke or suspend the license of any licensee who, in the opinion of the Board, has committed fraud in obtaining a license, or is guilty of gross negligence, incompetence, or misconduct in the practice of residential home building. Filing false information for the purpose of obtaining a license is a criminal offense. In addition to disciplinary action, the Board may impose administrative penalties for violations of the home builders licensure law and the rules and regulations of the Board. Building officials or other authorities charged with the duty of issuing building permits shall not issue such permits unless the home builder is licensed. If a home builder without a license builds a home, such builder will be guilty of a Class C misdemeanor. An unlicensed home builder may not maintain an action at law or in equity against a home buyer for compensation.

This act establishes a special fund so that home buyers can collect damages caused by the home builder. This fund is subsidized by the home builders when they apply for a license. After a home buyer has successfully sued a home builder in court, the buyer can collect the unpaid judgment from the fund.

This act is identical to SB 210 (2001).
STEPHEN WITTE

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0863

SENATE SPONSOR Gross

2667S.01I

SB 863 - This act revises school aid for school districts which are paid based upon the district's 1992-93 per eligible pupil payment amount rather than the payment amount calculated

under the current formula (including some portion of Line 14 payment) because the 1992-93 payment amount is greater. Such districts are generally referred to as "hold harmless" districts. This act would cause the hold harmless per eligible pupil payment amount to be adjusted, relative to the 1992-1993 school year amount, by the cumulative consumer price index (CPI) increase from the 2000-01 school year to the current year.

This act is similar to SB 68 from 2001.
DONALD THALHUBER

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0864

SENATE SPONSOR Gross

2731S.01I

SB 864 - This act provides that A+ Schools grants may be used by students attending four-year public and private colleges and universities. The reimbursement for students attending four-year institutions shall not exceed the cost of books plus the statewide average tuition and fee charges at the in-district rate at Missouri public community colleges for the previous year as determined by the Coordinating Board for Higher Education.

This act is identical to SB 614 (2001).
DONALD THALHUBER

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0865

SENATE SPONSOR Foster

2887S.02I

SB 865 - This act extends the date for subsequent referendums for boll weevil eradication assessments from five years to ten years.
CINDY KADLEC

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0866

SENATE SPONSOR Cauthorn

3569S.01I

SB 866 - This act would allow tax credits from the Agricultural Product Utilization Contributor Tax Credit or the New Generation Cooperative Incentive Tax Credit will be allowed to be claimed either as a credit against the tax or the estimated quarterly tax.

Beginning January 1, 2001, in order to claim the New Generation Cooperative Incentive Tax Credit the member must be domiciled in the state of Missouri or must own land in Missouri which produces a commodity in certain amounts.

This act is similar to HB 308 (2001).
CINDY KADLEC

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0867

SENATE SPONSOR Cauthorn

3578S.01I

SB 867 - This act permits the Transportation Commission to enter into design-build contracts. The design-build contract may be for the construction or work for any length of road. Architectural, engineering, and land services provided for a design-build project must be done by a licensed professional.

This act has an emergency clause.
STEPHEN WITTE

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : Emergency Clause

SB 0868

SENATE SPONSOR Cauthorn

3575S.01I

SB 868 - This act eliminates the requirement that road projects be bid in sections not to exceed 10 miles.
STEPHEN WITTE

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0869

SENATE SPONSOR Cauthorn

3574S.01I

SB 869 - This act repeals a provision which allows the Marion County Circuit Court to appoint the District I Clerk of the Circuit Court if the offices of Circuit Clerk and Recorder of Deeds are separated.

CINDY KADLEC

010202 Prefiled

010902 S First Read

S54

EFFECTIVE : August 28, 2002

SB 0870

SENATE SPONSOR Goode

3608S.01I

SB 870 - This act increases the penalties for violations of the Natural Gas Pipeline Safety Act to be in line with the current federal penalties which are \$25,000 per violation with a maximum of \$500,000 per related series of violations .

This act is similar to SB 150 (2001), SB 745(2000) and HB 1326 (2000).

CINDY KADLEC

010302 Prefiled

010902 S First Read

S54-55

EFFECTIVE : August 28, 2002

SB 0871

SENATE SPONSOR Dougherty

3623S.01I

SB 871 - This act makes changes related to anatomical donations. Current law outlines the procedure for making an anatomical donation. New language allows minors age sixteen or older to make an anatomical donation with parental consent. The consent must be noted on the minor's donor card, application, driver's license, or other gift document (Sections 194.220 - 194.230).

A new section requires certain health carriers and benefit plans to cover human leukocyte antigen testing for use in bone marrow transplantation. Testing must be performed in an appropriate facility. A form indicating informed consent must be completed which will authorize use of the results in the National

Marrow Donor Program. Health plans may limit enrollees to one testing per lifetime, but may not charge extra fees for the test (Section 376.1275).

ERIN MOTLEY

010302 Prefiled

010902 S First Read

S55

EFFECTIVE : August 28, 2002

SB 0872

SENATE SPONSOR Dougherty

2750S.01I

SB 872 - This act would create the Consumer Clean Energy Act. Retail electric suppliers are required to comply with and notify all retail customers quarterly that they will supply net generation meters to customer-generators and that the rates for the sale of energy must be the same for customer-generators and other customers. The method by which retail electric suppliers are required to calculate the net energy measurement for customer-generators is specified.

At the beginning of each year, any unused kilowatt-hour credit accumulated by customer-generators will be credited to low-income customers.

Local distribution companies which are retail electric suppliers will not be required to provide net metering service for additional customer-generators when the generating capacity of customer-generators is at least 1% of the companies average forecasted peak demand. Retail electric suppliers must maintain and make available to the public certain information regarding the total generating capacity of customer-generators.

Net metering units must meet certain standards. The retail electric supplier may not require a customer-generator to meet further requirements if the net metering unit has met the standards. Applications for by a customer-generator for interconnection must be responded to within 30 days and if it is approved connection must be completed within 15 days.

The Public Service Commission in consultation with the Department of Natural Resources will promulgate rules to ensure that simplified contracts will be used for interconnection.

This act is similar to SB 529 (2001).
CINDY KADLEC

010302 Prefiled

010902 S First Read

S55

EFFECTIVE : August 28, 2002

****SB 0873****

SENATE SPONSOR House

3670S.01I

SB 873 - This act establishes the "Challenge Scholarship" program to be administered by the coordinating board for higher education. The program entitles eligible students (not currently receiving A+ grants) to receive scholarships in order to attend any private or public institution of higher learning in Missouri for two years.

The act also requires that any appropriation increases to higher education institutions shall be solely based on that institution's enrollment of full-time students, plus the full-time equivalent of part-time students, plus adjustments for inflation. The act also specifies that unless the Challenge Scholarship and A+ schools programs are fully funded in any fiscal year, there will be no increase in appropriations to public higher education, with the exception of inflation adjustments.

DONALD THALHUBER

010402 Prefiled

010902 S First Read

S55

EFFECTIVE : August 28, 2002

****SB 0874****

SENATE SPONSOR Bentley

3580S.01I

SB 874 - The act prescribes that local school districts must coordinate with existing public, private, and private not-for-profit agencies in the planning process to design the service delivery system for special education services. Currently, such coordination is allowed, but not mandated. Further, the act requires that when a child (who is currently receiving instruction from a DESE-approved program not run by the school district) reaches the age of three, the team preparing the child's individualized education program shall give preference to keeping the child in the existing program for the remainder of that school term. This retention is predicated on the team concluding that the child would not be better served in the school district's program.

DONALD THALHUBER

010402 Prefiled

010902 S First Read

S55

EFFECTIVE : August 28, 2002

SB 0875

SENATE SPONSOR Gross

2669S.01I

SB 875 - Currently, a person commits a crime by possessing any obscene material with a child as a participant or observer of sexual conduct. This act provides that a person commits the crime by possessing or controlling any obscene material that has a minor as a participant or portrays an observer of sexual conduct, sexual contact or a sexual performance of a minor, or by possessing or controlling any material that shows a minor participating or engaging in sexual conduct.

The act also increases the penalty from a Class A misdemeanor to a Class D felony; if the defendant has pleaded or been found guilty of a prior Chapter 566, RSMo, offense, the penalty is a Class C felony.

This act is identical to SB 214 (2001).
SARAH MORROW

010402 Prefiled

010902 S First Read

S55

EFFECTIVE : August 28, 2002

SB 0876

SENATE SPONSOR Sims

2509S.01I

SB 876 - This act allows foster parents to be automatically registered with the Family Care Safety Registry at no additional cost.
ERIN MOTLEY

010702 Prefiled

010902 S First Read

S55

EFFECTIVE : August 28, 2002

SB 0877

SENATE SPONSOR Sims

3669S.01I

SB 877 - This act moves the Missouri Board of Nursing Home Administrators from the Department of Social Services to the Division of Professional Registration within the Department of Economic Development. In addition, members will now be appointed by the Governor with the advice and consent of the Senate.
ERIN MOTLEY

010702 Prefiled

010902 S First Read

S55

EFFECTIVE : August 28, 2002

SB 0878

SENATE SPONSOR Sims

3194S.01I

SB 878 - This act modifies the law relating to the rights of persons with service animals.

Definitions are provided relating to service animals (Section 209.200). Persons are prohibited from refusing to rent a dwelling because a service animal will reside there. Reasonable modifications should be made, but no physical modifications are necessary to accommodate the animal. Extra charges may not be required and landlords may require proof that an animal is a service animal. No restriction on property or a real estate transaction will be enforceable if it prohibits service animals (Section 209.202).

Discrimination by an employer against a person with a disability is prohibited if it involves that person's use of a service animal (Section 209.204).

Persons or places of lodging are prohibited from requiring additional charges or denying equal services to a person using a service animal. Service animals must be restrained with a harness or leash and evidence of service animal status must be provided. Any person who violates this section may be subject to criminal prosecution or a complaint with the Human Rights Commission (Section 209.206).

Public transportation operations are prohibited from refusing service or charging additional fees to a person using a service animal. Violators may be subject to prosecution or a Commission complaint (Section 209.208).

Motor vehicle drivers and persons using service animals must both take necessary safety precautions. Any driver failing to do so will be liable for actual damages. Any person who intentionally causes an accident or injury to a person using a service animal or animal itself will be guilty of a Class B misdemeanor (Section 209.210).

Section 209.212 contains the following provisions for violations against service animals, but does not include lawful acts of humane societies, animal control or shelters:

1. Intentional destruction or injury, unless for humane purposes is a Class C felony.
2. Intentional deprivation or frauds is a Class A misdemeanor or theft/possession of stolen property.
3. Negligent or malicious killing or injury will entail civil liability to the user for \$1000 + fees.

4. Willful or malicious injury is a Class C felony.
5. Sale or transfer of a stolen animal is a Class C felony.
6. Willful or negligent injury or destruction will entail civil liability for value of animal and related costs.

Any person misrepresenting an animal as a service animal is guilty of a Class B misdemeanor (Section 209.214).

The owner of a service animal will be liable for any damages caused by the animal. Owners must keep service animals restrained while in use or be subject to civil liability for any damages. Service animals must be identifiable by their restraint method or other identifier (Section 209.216).

The Human Rights Commission does not have jurisdiction regarding the violation of Sections 209.160 or 209.212, which will be within the jurisdiction of the county prosecutor. The Commission will have jurisdiction over the remaining sections. Upon a showing that a complaint has been filed with the Commission, a prosecutor may withdraw any pending action on the same violations (Section 209.218).
ERIN MOTLEY

010702 Prefiled
010902 S First Read

S55

EFFECTIVE : August 28, 2002

SB 0879

SENATE SPONSOR Steelman

3668S.01I

SB 879 - This act removes the religious and medical exemption limitations from childhood vaccination requirements. Currently, Section 167.181, RSMo, allows a parent to claim his or her child is exempt from immunization requirements due to religious beliefs or medical contraindications. This act removes those limitations and allows a parent to simply object in writing. New language requires the Department of Health and Senior Services, school districts, and other public entities to inform the public of available exemptions. In addition, this act changes all references to the term "immunization" to "vaccination".
ERIN MOTLEY

010702 Prefiled
010902 S First Read

S55

EFFECTIVE : August 28, 2002

****SB 0880****

SENATE SPONSOR Steelman

3726S.01I

SB 880 - This act creates science education programs at the University of Missouri-Rolla (UMR). A new Section 172.880 establishes the Missouri Engineering and Science Academy for high school students with a high ability and interest in math and science. The Academy curriculum will be developed by UMR faculty and the program will be managed and funded through UMR.

A new Section 172.883 establishes a science summer program at UMR for in-service science teachers to enhance their understanding of the impact of natural resource development and land use changes in Missouri. The act specifies program goals. The program will be taught, managed and funded by UMR. Participation in the program can be included in a teacher's Career Ladder development plan, if approved by the school board.

This act is substantially similar to SB 108 (2001).
ERIN MOTLEY

010702 Prefiled
010902 S First Read

S55

EFFECTIVE : August 28, 2002

****SB 0881****

SENATE SPONSOR Steelman

3339S.01I

SB 881 - This act creates the Environmental Hearing Commission which shall be located in Jefferson City. The Environmental Hearing Commission will consist of three Commissioners who are appointed by the Governor with the advice and consent of the Senate. The Commissioners shall have staggered terms of six years with no limitation on the number of terms to which they may be appointed. The Commissioners shall be attorneys licensed to practice in the Missouri with an interest and knowledge of environmental law. Commissioners will be compensated \$91,636 per year.

The Environmental Hearing Commission will hear appeals of findings of the Director of the Department of Natural Resources (DNR), the Hazardous Waste Management Commission, the State Soil and Water Districts Commission, the Petroleum Storage Tank Insurance Fund Board, the Land Reclamation Commission, the Safe Drinking Water Commission, the Air Conservation Commission and the Clean Water Commission. Timing for filing appeals with and hearing by the Environmental Hearing Commission is provided. The Environmental Hearing Commission may promulgate rules and regulations to provide for electronic filing of documents. Matters heard by the Environmental Hearing Commission will be governed by the provisions of Chapter 536, RSMo.

The Environmental Hearing Commission may stay or suspend any action of the subject entities. All final decisions by the Environmental Hearing Commission will be subject to judicial review. In all matters heard by the Environmental Hearing Commission the burden of proof shall be on DNR or the Commission initially making the finding or decision. However, in appeals involving the denial of a permit, license or registration, the burden of proof shall be on the applicant.
CINDY KADLEC

010702 Prefiled
010902 S First Read S55

EFFECTIVE : August 28, 2002

SB 0882

SENATE SPONSOR Sims

3561S.01I

SB 882 - This act changes the name of the "Missouri Commission for the Deaf" to the "Missouri Commission for the Deaf and Hard of Hearing" in the statutes.
ERIN MOTLEY

010702 Prefiled
010902 S First Read S55

EFFECTIVE : August 28, 2002

SB 0883

SENATE SPONSOR DePasco

3760S.02I

SB 883 - This act creates a one dollar check-off for the Workers Memorial fund to be put on each tax return filed after January 1, 2003. Taxpayers will be able to donate one or more dollars of a refund claimed to the fund. Taxpayers can also send a check or other negotiable instrument designated to the fund with their tax return.
JEFF CRAVER

010802 Prefiled
010902 S First Read S55

EFFECTIVE : August 28, 2002

SB 0884

SENATE SPONSOR DePasco

3555L.01I

SB 884 - This act prohibits any court or state official from enforcing payday loans in the amount of \$5000 or less if the total annual percentage rate charged in connection for such loan exceeds five times the market rate.

JIM ERTLE

010802 Prefiled

010902 S First Read

S55

EFFECTIVE : August 28, 2002

SB 0885

SENATE SPONSOR Bentley

2656S.01I

SB 885 - This act authorizes the City of Springfield, in cooperation with the Director of the Department of Economic Development, to designate up to three satellite zones within the City. The Director must approve the City's overall plan for enterprise zone and satellite zone use prior to the designation.

This act is identical to SB 626 (2001).
JIM ERTLE

010802 Prefiled

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0886

SENATE SPONSOR Bentley

3779S.01I

SB 886 - This act modifies Section 392.410, RSMo, by exempting from restriction the ability of political subdivisions to provide certain telecommunication providers with services or facilities on a nondiscriminatory, competitively-neutral basis, and at a price which covers cost, including imputed costs.
ERIC ROSENKOETTER

010802 Prefiled

010902 S First Read

EFFECTIVE : August 28, 2002

****SB 0887****

SENATE SPONSOR Sims

3751S.01I

SB 887 - This act requires municipalities to provide additional notice about industrial development projects.

Current law provides definitions related to industrial development projects. New definitions are given for "revenue bonds" and "taxing district" (Section 100.010).

Current law requires any municipality which desires an industrial development project to prepare plans. This act requires the municipality to prepare a written plan first that sets forth the activities the municipality will undertake. Any plan involving the issuance of revenue bonds or conveyance of a property interest to the municipality must be approved by a majority of its governing body. Prior to approval, the municipality must supply each taxing district with a copy of the plan and must accept comments (Section 100.040).

Under current law, certain information must be included in the plan. After approval by majority vote in Section 100.040, this act requires the municipality to approve a specific plan by ordinance that is consistent with that which was approved by vote. Additional information must be included in any plan involving the issuance of revenue bonds or the conveyance of property to the municipality (Section 100.050).

A new section lists specific requirements for projects involving the issuance of revenue bonds or property conveyance to a municipality. The governing body must provide written hearing notices to taxing districts, written statements of impact on property, hold public hearings, and give notice of changes to the plan. The notice of hearing must be given within 15 days before the hearing and must include specific information. Notice of the plan must be provided to taxing districts at least 30 days before the public hearing and comments must be solicited (Section 100.162).

Current law requires municipalities to file a report with the Department of Economic Development. This act requires municipalities to include a list of any property purchased with bond proceeds in the report. If a municipality undertakes a project involving the issuance of revenue bonds or conveyance of property, then it must provide a report to affected taxing districts (Section 100.105).

ERIN MOTLEY

010802 Prefiled
010902 S First Read

EFFECTIVE : August 28, 2002

SB 0888

SENATE SPONSOR Gross

3495S.02I

SB 888 - This act requires the Public Service Commission to specify ratemaking principles in advance of construction of electric generating facilities of greater than 300 MW. The PSC will not be limited to traditional ratemaking principles or cost recovery mechanisms. The ratemaking principles must be determined in a contested case proceeding. After the entry of the order specifying the ratemaking principles, the utility will have the option to construct, lease or withdraw its application for a certificate. The principles will not be binding on subsequent rate cases. The Department of Natural Resources is also required to approve or deny permit applications within 180 days of receipt.

CINDY KADLEC

010802 Prefiled

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0889

SENATE SPONSOR Dougherty

3765S.01I

SB 889 - The act provides administrators in a metropolitan school district the option of coming out of retirement while not relinquishing their retirement benefits for up to four years. This same option is currently available to teachers in metropolitan school districts, as well as administrators and teachers in metropolitan charter schools.

DONALD THALHUBER

010802 Prefiled

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0890

SENATE SPONSOR Kenney

3783S.02I

SB 890 - The School Building Revolving Fund is eliminated and the School Building Construction and Renovation Fund is created. Moneys in the Fund would be used, in equal portions, to fund school construction and school renovation.

To be eligible for a grant, a district must apply to the Department of Elementary and Secondary Education, must meet all criteria for state aid (meets or exceeds minimum school calendar,

maintains proper records of attendance, personnel and finance, levies at least a \$1.25 tax rate and computes attendance properly under law) and must not be experiencing financial stress.

Priority of construction grants is given to the following categories, in decreasing order:

- a) districts with uninsured replacement costs from disaster;
- b) districts with at least 12% enrollment growth in the last 3 years;
- c) districts with 9% growth in the last 3 years;
- d) districts with 6% growth in the last 3 years;
- e) overcrowded districts; and
- f) districts with certain particular building needs.

Priority of renovation grants is given to the following categories, in decreasing order:

- a) districts with uninsured replacement costs from disaster or hazardous waste cleanup;
- b) districts renovating buildings which are at least 35 years old; and
- c) districts renovating buildings less than 35 years old.

Once a district has received a grant, it shall not be eligible for a new grant from the Fund unless all eligible applications from districts which have yet to receive a grant are funded.

Local matching funds are required to receive a state grant. The local match requirement is 50% for the least wealthy of districts, 75% for the most wealthy of districts and the match percentages for the remaining districts are uniformly spaced across the range from 50% to 75%.

Maximum total state costs per pupil for new construction are \$8,000 for high school, \$7,000 for middle school and \$6,000 for elementary school. Maximum total state costs per pupil for renovation are \$5,600 for high school, \$4,900 for middle school and \$4,200 for elementary school. A school may spend more than the maximum state grant amount plus local match by adding additional local funds.

State grant funds shall not be used for lease purchases. State grant funds shall be used only for capital expenditures, and shall not be used to retire debt. If a project costs less than the projected amount, the state's share of the remaining funds shall be returned to the state and placed in the Fund.

Upon completion of a project, the district shall submit a report to the Department, and the Department may require an audit. State funds not expended as allowed by this act must be repaid to the state.

All school buildings constructed or renovated with grants under this act shall remain the property and responsibility of the school district.

This act is identical to SS/SB 242 (2001).
DONALD THALHUBER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0891

SENATE SPONSOR Kenney

3740S.01I

SB 891 - This act amends a technical error created in House
Bill 202 from the 2001 legislative session.
STEPHEN WITE

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0892

SENATE SPONSOR Kenney

3739S.01I

SB 892 - This act adds interment, entombment and inurnment
cemetery services to the list of items that may be pre-purchased
from a cemetery, subject to the cemetery owner meeting certain
requirements regarding the deposit of funds from the sale of
services into a segregated account and the use of funds in the
segregated account (Section 214.387). A definition of "cemetery
services" is created (Section 214.270). The act shall apply only
to agreements for pre-purchased services entered into after
August 28, 2002.
JIM ERTLE

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0893

SENATE SPONSOR Rohrbach

3778S.01I

SB 893 - This act states that no life insurance company may
"own" (current law states invest in) investments in excess of
certain limitations based upon an annual statement filed with the
Department of Insurance.
STEPHEN WITTE

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0894

SENATE SPONSOR Kinder

3680S.01I

SB 894 - This act creates a state and local sales tax holiday for items of clothing (costing no more than \$100 each) and school supplies (costing no more than \$50 per purchase) sold during a four-day period in August, 2002 and 2003. The state will reimburse all local tax revenues lost in calendar year 2002 and individual political subdivisions may, by ordinance, opt their local sales taxes out of the holiday exemption beginning in calendar year 2003. A joint legislative committee is created to study and review the effect of the sales tax holiday and to report their findings and recommendations to the General Assembly by January 8, 2004. This portion of the act has an emergency clause and a sunset date of July 1, 2004.

This act also prohibits retailers from obtaining refunds for sales taxes without crediting the original purchasers. This portion of the act is identical to SB 195 (2001).

This act is similar to SB 334 (2001).
JEFF CRAVER

010902 S First Read

EFFECTIVE : Emergency Clause

SB 0895

SENATE SPONSOR Yeckel

3624S.02I

SB 895 - This act makes a number of changes related to financial institutions and services involving financial institutions. Certain out-of-state bonds are now acceptable (Section 30.270). Articles of agreement involving a bank shall include additional information shareholder rights (Section 362.020). Banks, savings and loan associations and state savings banks are granted new powers currently permitted for national banks, federal savings and loan association and federal savings banks (Section 362.111).

Changes are made to the procedure used by a bank to become a trust company (Section 362.117). Restrictions regarding the amount of unimpaired capital lent by a bank and investment in the stock of a private corporation are amended (Section 362.170). The act changes procedures for the actions of a board of directors of a bank when immediate action is required (Section 362.275). The act makes changes to the power of a bank to appoint officers (Section 362.335).

Charges for late payment in motor vehicle installment

contracts are amended (Section 365.100). New types of insurance may be sold by credit insurance agents (Section 375.065). The act also changes the perfection rights for liens on manufactured homes (Section 400.9-303 and section 700.350.5). The changes in Section 400.9-303 and Section 700.350.5 are to be considered remedial in nature.

The act changes the type and amount of fees that can be charged in small loans (Section 408.140).

The act creates a new section relating to the rights of garnishees holding property as joint tenants with rights of survivorship (Section 525.075).

JIM ERTLE

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0896

SENATE SPONSOR Yeckel

3449S.02I

SB 896 - This act allows temporary practice in this state by accountants from an outside state whose work in this state is incidental to their regular representation of a client.

The higher competency requirements for supervising attest services are separated from the requirements for supervising review and compilation services by the act. The requirement of a peer review of an accountant's license is also limited by the act to accounting firms, as is the issuance of review and compilation services.

The act allows the board to act by rule to permit licensed accountant's to perform certain services on a contingency fee basis.

JEFF CRAVER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0897

SENATE SPONSOR Dougherty

3775S.01I

SB 897 - This act creates the Urban Flight Scholarship Program, which consists of one hundred new full-ride scholarships for students enrolled in Missouri metropolitan or urban school districts with high at-risk student populations, as shall be defined by the Department of Elementary and Secondary Education. Recipients of the scholarship will make a commitment to teach in

Missouri at an elementary or secondary public school in a metropolitan or urban school district with a high at-risk student population for two years for every one year they garnered a scholarship. If the scholarship recipient fails to uphold this contract, the scholarship shall be considered a loan with 9 1/2% interest.

Seventy-five percent of the Urban Flight Scholarship Program will be financed by the state and twenty-five percent will be supported by donations from businesses. Any donating business firm shall receive a tax credit equal to fifty percent of the amount of the donation.

DONALD THALHUBER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0898

SENATE SPONSOR Dougherty

3704S.01I

SB 898 - The act increases from 100 to 200 the number of one-year, renewable \$2,000 scholarships for minority students. The act also increases the scholarship amount (from \$2,000 to \$3,000) if the student is entering the special education field.

The act is identical to HB 1351 (2002).
DONALD THALHUBER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0899

SENATE SPONSOR Dougherty

3757S.01I

SB 899 - This act expands the tax credit for sponsorship and mentoring programs to include a business dropout abatement pilot program. This program allows businesses to support educational efforts and work related programs for "at risk" students. The amount which may be claimed by a single taxpayer is limited to the lesser of \$5,000 per eligible student or the amount of net expenditures which the taxpayer makes for a student's participation in the program.

The Department of Elementary & Secondary Education shall establish rules, guidelines and criteria for approved programs. The programs are to be established by school districts and businesses.

This act is similar to SB 574 (2001).

JEFF CRAVER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0900

SENATE SPONSOR Goode

3470L.01I

SB 900 - This act creates a mechanism for public school districts to aggregate purchases natural gas through a not-for-profit school association. Missouri gas corporations are required to file a set of small volume transportation schedules or tariffs applicable to public school districts by August 1, 2002. Minimum requirements for the schedules filed with the Public Service Commission are established. Provisions for the review of this experimental program are provided. Reports regarding progress in the program are to be filed annually with the Generally Assembly beginning in 2003.

This act contains an emergency clause and will terminate on June 1, 2005.
CINDY KADLEC

010902 S First Read

EFFECTIVE : Emergency Clause

SB 0901

SENATE SPONSOR Goode

3864S.03I

SB 901 - This act increases the "maximum upper limit" income thresholds by five thousand dollars in the years 2003, 2005 and 2007. The act also removes outdated language from Section 135.030, RSMo.
JEFF CRAVER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0902

SENATE SPONSOR Goode

3721S.02I

SB 902 - This act will enable senior citizens sixty-two years or older to delay paying property taxes on their residences. The taxes plus interest, must be paid when the owner dies or sells the property, moves, or the property changes

ownership. The income limit to qualify for the deferral is thirty-two thousand dollars. Beyond that amount, the amount the owner can defer is phased out at a rate of fifty cents per dollar made over thirty-two thousand dollars, until their income reaches twice this limit.

A senior citizen who has qualified for and deferred his or her property tax in a prior year and who for some reason fails to defer a property tax due in a subsequent year can apply to retroactively defer the tax due up to one year later.

If a senior citizen's income exceeds the limit of thirty-two thousand dollars, that portion of tax which they are not able to defer which resulted from an increase in their property tax beginning in the calendar year after their sixty second birthday will be eligible for deferral.

The act establishes eligibility criteria for the taxpayer and the property for participating in the deferral.

All deferrals of tax will result in a lien to be held by the Department of Revenue against the property of the taxpayer. The lien will be for the amount of the property tax as estimated by the Department of Revenue plus interest to accrue at six percent per annum.
JEFF CRAVER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0903

SENATE SPONSOR Klindt

3723S.03I

SB 903 - This act increases the membership of the Northwest Missouri State University's Board of Regents from seven to nine. The act leaves intact the current six-member board appointed from within the district where the University is situated, while allowing the Governor to appoint two additional members from anywhere in the state, so long as they are not from the same congressional district.
DONALD THALHUBER

010902 S First Read

EFFECTIVE : August 28, 2002

****SB 0904****

SENATE SPONSOR Klindt

3701S.01I

SB 904 - This act exempts religious, charitable, and nonprofit organizations from food inspection if the food is sold at a religious or charitable function or activity.
ERIN MOTLEY

010902 S First Read

EFFECTIVE : August 28, 2002

****SB 0905****

SENATE SPONSOR Klindt

2659S.01I

SB 905 - This act requires the Governor to submit a budget on a two-year cycle to coincide with the beginning of each General Assembly. During the second year, the General Assembly shall review programs of the various state departments and may grant emergency and supplemental appropriations recommended or requested by the Governor. It will also evaluate the performance objectives and performance measures used by the state departments.

The act establishes an advisory committee composed of the Budget Director and the chairs of the Senate Appropriations and House Budget committees. The committee shall set and revise budget estimates every six months, and provide a quarterly and an annual report comparing revenues projected and received. The committee may contract for appropriate economic analyses.

This act is identical to SB 594 (2001).
JIM ERTLE

010902 S First Read

EFFECTIVE : August 28, 2002

****SB 0906****

SENATE SPONSOR House

3675S.01I

SB 906 - This act increases the current admission fee imposed on each person embarking upon an excursion gambling boat from \$2 to \$4. The additional \$2 fee will be credited to the "Public Transit Subaccount Fund". The funds deposited in this account shall be used for public transit purposes, with 10% of such funds to be used by the Division of Mental Retardation and Developmental Disabilities for transportation services.

This act is contingent upon a constitutional amendment being passed.

STEPHEN WITTE

010902 S First Read

EFFECTIVE : Contingent

SB 0907

SENATE SPONSOR House

3610S.02I

SB 907 - This act raises various fees and diverts other highway revenues to fund transportation projects.

MOTOR FUEL TAX - This act raises the motor fuel tax by 5 cents. The motor fuel tax is currently 17 cents per gallon and will become 22 cents per gallon if the act is approved by the voters. This act also repeals the 2008 sunset on the 17-cent gas tax imposed in 1992.

SALES TAX - This act raises the general sales tax and the sales and use tax imposed on motor vehicles by 1/4 percent.

REGISTRATION FEES - This act raises the registration fees on passenger cars and motorcycles by the following amounts:

Less than 12 HP	- From \$18 to \$30
12 - 24 HP	- From \$21 to \$30
24 - 36 HP	- From \$24 to \$45
36 - 48 HP	- From \$33 to \$45
48 - 60 HP	- From \$39 to \$60
60 - 72 HP	- From \$45 to \$60
Over 72 HP	- From \$51 to \$60
Motorcycle	- From \$8.50 to \$11.50
Motortriccyle	- From \$10 to \$13

This act increases registration fees on trucks and buses approximately 25% to 33%.

DRIVER'S LICENSES - This act increases commercial driver's licenses from \$30 to \$35 and increases regular driver's licenses from \$15 to \$20.

DIVERSION FROM OTHER AGENCIES - This act phases out the amount of revenues non-highway agencies receive from the State Highways and Transportation Department Fund over a five year period. After fiscal year 2007, these agencies will no longer receive highway revenue funds.

REFERENDUM CLAUSE - This act will be submitted to the voters in November 2002 or at a special election called by the Governor. If approved, the act will become effective the first fiscal year following voter approval.

STEPHEN WITTE

010902 S First Read

EFFECTIVE : Referendum Clause

SB 0908

SENATE SPONSOR Gibbons

3759S.01I

SB 908 - This act repeals the corporation franchise tax for tax years beginning after January 1, 2002.

The act is similar to SB 65 (2001).
JEFF CRAVER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0909

SENATE SPONSOR Gibbons

2646S.01I

SB 909 - This act expands the shift of the burden of proof from the taxpayer to the Department of Revenue by shifting the burden to the Department in cases involving claims of tax exemptions or credits. The act also removes the exemption from the burden-of-proof shift currently imposed on corporations, trusts, or partnerships with a net worth in excess of \$7 million or with 500 or more employees.

This act is identical to SB 621 (2001).
JEFF CRAVER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0910

SENATE SPONSOR Gibbons

2636S.01I

SB 910 - This act authorizes the Department of Revenue (DOR) and the Administrative Hearing Commission (AHC) to abate all or part of the tax liability of a taxpayer in certain situations, including those situations in which:

1. The taxpayer fails to collect, account for or pay a tax which others in the same industry or occupation also failed to pay, perhaps due to miscommunication between DOR and a specific industry or profession about the taxability of a certain event or

transaction;

2. The taxpayer does not have sufficient ability to pay the entire amount of the tax due; or
3. Collection of the tax would undermine compliance with the tax laws.

The act directs that in situations where DOR or the AHC grant this type of relief to a taxpayer, the application of the tax at issue shall be prospective for that taxpayer, such that the taxability of the event or transaction begins after the DOR or AHC decision on the issue. In order to qualify for whole or partial abatement, a taxpayer must agree to several conditions set forth in the act, such as paying his or her own attorney fees and expenses. The taxpayer has a right to rely upon agreements made by the Department of Revenue pursuant to the act.
JEFF CRAVER

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0911

SENATE SPONSOR Foster

3533S.01I

SB 911 - This act allows owners in private building contracts to retain a portion of payment due to a contractor in order to ensure the proper performance of the contract. Such retainage shall not exceed five percent of the payment due pursuant to the contract or agreement unless the contractor's performance is not in accordance with the contract, in which case the owner may retain additional sums in any amount. Contractors may tender substitute security to an owner, after which the contractor may receive cash payments of retainage already withheld or may avoid withholding of retainage. Subcontractors may likewise tender substitute security to the contractor and either recover or avoid withheld retainage. Acceptable substitute security shall include CDs from a bank within Missouri, a retainage bond, or an irrevocable and unconditional letter of credit from a Missouri bank.

A contractor may not withhold retainage from subcontractor in a percentage greater than their own retainage unless the performance is not in accordance with the subcontract. Upon a release of retainage, contractors are to promptly pay subcontractors their ratable share of the retainage released.

If a subcontractor's performance is satisfactorily completed, the subcontractor may be released prior to substantial completion of the entire project. Within 30 days of reaching substantial completion, all retainage must be released by the owner less 150% of the cost of remaining items to complete. Thereafter the contractor must pay subcontractors within 7 days. Substantial completion is defined as the earlier of the issuance of a certificate of completion; the date an occupancy permit is

issued; or the date the owner begins or could have begun use of the project for its intended purpose.

If retainage is withheld wrongfully a court may award interest on the amount at 1 1/2% per month plus attorney's fees. This act will apply to certain contracts entered after August 28, 2002. Agreements formed after August 28, 2002, will be unenforceable to the extent that their provisions conflict with this act.

This act is similar to SB 482(2001).
CINDY KADLEC

010902 S First Read

EFFECTIVE : August 28, 2002

SB 0912

SENATE SPONSOR Mathewson

3571S.01I

SB 912 - This act allows resorts located in Miller, Morgan and Camden counties to apply for a special permit from the Supervisor of Liquor Control to remain open and sell liquor by the drink until 3:00 a.m. each day of the week and to open at 11:00 a.m. on Sunday. The applicant must have had gross sales of \$100,000 or more in the preceding year and must be a resort. A resort is defined as "any establishment having at least seventy-five rooms for the overnight accommodation of transient guests, having at least three thousand square feet of meeting space and having a restaurant located on the premises."

This act is similar to SB 311 (2001).
JIM ERTLE

011002 S First Read

EFFECTIVE : August 28, 2002

SB 0913

SENATE SPONSOR Rohrbach

3090L.02I

SB 913 - This act creates the crime of "Promoting or Providing a Mexican Poker Contest" if the person intends to charge admission or increase attendance, charges money for individuals to compete in the contest or charges rent for property to be used for a contest.

Promoting or providing a Mexican poker contest is a misdemeanor.
SARAH MORROW

011002 S First Read

EFFECTIVE : August 28, 2002

SB 0914

SENATE SPONSOR Jacob

3780S.02I

SB 914 - This act repeals the \$500 gaming loss limit for a period of three years beginning January 1, 2003. The repeal of the loss limit will expire on December 31, 2005.

The moneys generated by the repeal of the loss limit shall be used to fund: (1) the Missouri College Guarantee Fund; (2) the Higher Education Academic Scholarship Program; and (3) school districts pursuant to the Foundation Formula.

One year following the repeal, and the subsequent year, the Gaming Commission must deliver a report to the General Assembly. The report shall include the impact of the repeal on state revenue, compulsive gamblers, and state tourism.

This act also increases the admission fee on gambling boats from \$2 to \$3. The additional dollar will be used to fund: (1) the Missouri College Guarantee Fund; (2) the Higher Education Academic Scholarship Program; and (3) school districts pursuant to the Foundation Formula.

Under this act, the Higher Education Academic Scholarship Program (also known as "Bright Flight") scholarship amount is increased from \$2,000 per year to \$3,000 per year.

Portions of this act are similar to SB 402 (2001).
STEPHEN WITTE

011002 S First Read

EFFECTIVE : August 28, 2002

SB 0915

SENATE SPONSOR Westfall

3541S.03I

SB 915 - This act raises various fees to fund transportation projects and imposes a 5-year moratorium on the closing of state maintenance sheds.

MOTOR FUEL TAX - The act repeals the gas tax sunset clause and increases the tax by 5 cents.

SALES TAX - The act raises the general sales tax by 3/8 percent. Twenty percent of the revenue derived from the 3/8 sales tax shall be credited to the state transportation fund for multimodal purposes. The remainder of the sales tax would be credited to

general revenue to replace moneys diverted from other agencies and the loss of motor vehicle sales tax revenues which currently go to the general revenue fund.

AGENCY DIVERSION - The act eliminates revenues that currently go to other agencies from the state highways and transportation department fund. The Highway Patrol and the Division of Motor Carrier and Railroad Safety will continue to receive funding from this fund. This section will take effect the first fiscal year following voter approval of the act.

MOTOR VEHICLE SALES TAX- Under current law, half of the sales tax on motor vehicles goes to fund transportation projects and the other half is deposited in the general revenue fund. This act diverts the portion going to general revenue to the state road fund.

MAINTENANCE SHED MORATORIUM - The act establishes a five year moratorium on the closing of state maintenance sheds. Requires the MoDOT to report on the total number of sheds within the state, the costs of operating them, and the future plans of their operations. Report must be delivered to the General Assembly, Governor, State Auditor and the State Librarian.

REFERENDUM - This act must be submitted to a vote of the people on the first Tuesday of August 2002. If approved this act will become effective on January 1, 2003. Additional revenues not subject to Hancock restrictions. This act also requires another election in 2012 to determine whether voters want the new taxes to continue. If not, the rates will return to the level existing on January 1, 2002.

STEPHEN WITTE

011002 S First Read

EFFECTIVE : Referendum Clause

SB 0916

SENATE SPONSOR Dougherty

3797S.01I

SB 916 - This act removes the sunset clause from Section 488.445, RSMo, and allows counties to pass ordinances to impose fees on the issue of marriage licenses and surcharges upon civil cases. Currently, this statute required ordinances to be passed before January 1, 2001.

The fees collected from these fees will be deposited in a special fund to provide financial assistance to domestic violence shelters.

Similar provisions are contained in the introduced version of SB 267 (2001).

SARAH MORROW

011002 S First Read

EFFECTIVE : August 28, 2002

SB 0917

SENATE SPONSOR Dougherty

3801S.01I

SB 917 - This act allows the Division of Family Services to request license-exempt foster care facilities to provide reasons in support of the claimed exemption. Currently, Section 210.516, RSMo, states that the Division shall not require such information from foster homes, residential care facilities, or child placing agencies. This act allows the Division to do so.

ERIN MOTLEY

011002 S First Read

EFFECTIVE : August 28, 2002

SB 0918

SENATE SPONSOR Klarich

3550S.01I

SB 918 - This act excludes a properly displayed United States flag from regulation by state statute or city, town or village ordinance. A properly displayed flag is one that contains no additional design or embellishment and is flown or hung pursuant to the normally accepted guidelines for the display of the U.S. flag.

CINDY KADLEC

011002 S First Read

EFFECTIVE : August 28, 2002

SB 0919

SENATE SPONSOR Klarich

3722S.01I

SB 919 - This act requires used motor vehicle dealers to attend a six-hour educational seminar in order to obtain or renew a used motor vehicle dealer's license. The educational seminar will be sponsored by a nonprofit corporation which presents seminars focusing on the enhancement of knowledge and competence of used motor vehicle dealers.

STEPHEN WITTE

011002 S First Read

EFFECTIVE : August 28, 2002

SJR 022

SENATE SPONSOR Schneider

3215S.01I

SJR 22 - This proposed constitutional amendment would, if approved by the voters, repeal current legislative term limits and impose limits of 12 consecutive years in either house of the General Assembly. This act would also impose legislative leadership term limits. Time served after January 5, 1994, shall be counted. Service to complete the term of another person shall not be counted. The proposal shall be submitted to voters at the April, 2002, municipal election.

This resolution is similar to SJR 1 (2001) as perfected.
DONALD THALHUBER

120101 Prefiled
010902 S First Read

EFFECTIVE : Contingent

SJR 023

SENATE SPONSOR Singleton

3083S.02I

SJR 23 - This proposed constitutional amendment provides that upon voter approval, the candidate of each party for Governor and Lieutenant Governor shall be nominated and elected jointly. The two candidates shall be the party's joint candidates at the general election, and the official ballot shall show them as joint candidates.

DONALD THALHUBER

120101 Prefiled
010902 S First Read

EFFECTIVE : Contingent

SJR 024

SENATE SPONSOR Johnson

2583S.01I

SJR 24 - This constitutional amendment, if approved by voters, excludes service resulting from elections to finish partial terms and elections held prior to December 3, 1992, from the calculation of term limits for members of the General Assembly.

Currently, members are limited to serving eight years in any one chamber of the General Assembly, but service resulting from an election prior to November 3, 1992 is not counted.

This act is identical to SJR 4 (2001).
DONALD THALHUBER

120101 Prefiled
010902 S First Read

EFFECTIVE : Contingent

SJR 025

SENATE SPONSOR Klarich

3145S.02I

SJR 25 - This proposed constitutional amendment, if approved by the voters, would remove the current authorization for political subdivisions to use an inflationary growth factor to calculate the increase in assessed valuation of property in revising its tax levy. The amendment would also require that the St. Louis County Assessor be an elected official beginning in 2004.

JEFF CRAVER

120101 Prefiled
010902 S First Read

EFFECTIVE : Contingent

SJR 026

SENATE SPONSOR Klarich

3078S.01I

SJR 26 - This resolution, if approved by the voters, would modify the Constitution to allow the General Assembly to provide not less than 5% of the state revenue funds to the State Road Fund whenever the State Road Fund is insufficient to construct and maintain the highway system.

STEPHEN WITTE

120101 Prefiled
010902 S First Read

EFFECTIVE : Contingent

SJR 027

SENATE SPONSOR Yeckel

3042S.01I

SJR 27 - This proposed constitutional amendment, if approved by the voters, provides that school bond issues may be approved by simple majority vote at all election dates. Currently, school bond issues must obtain a four-sevenths majority for approval at

municipal, primary and general elections and a two-thirds majority for all other elections.

This act is identical to SJR 11 (2001).
DONALD THALHUBER

120101 Prefiled
010902 S First Read

EFFECTIVE : Contingent

SJR 028

SENATE SPONSOR Bland

2905S.01I

SJR 28 - This act, if approved by the voters, would ratify the Equal Rights Amendment to the United States Constitution.

This act is identical to SJR 7 (2001).
CINDY KADLEC

120101 Prefiled
010902 S First Read

EFFECTIVE : Contingent

SJR 029

SENATE SPONSOR Gross

SJR 29 - Joint Resolution withdrawn.

120101 Prefiled
121001 Bill Withdrawn

EFFECTIVE : Contingent

SJR 030

SENATE SPONSOR Cauthorn

2352S.01I

SJR 30 - This constitutional amendment, if approved by the voters, allows a school district to provide transportation for private school pupils, provided that any such pupil, or the pupil's parent or other guardian, reimburses the district for the proportionate share of the actual operating and capital expenses incurred in providing the transportation services.

CINDY KADLEC

120101 Prefiled

010902 S First Read

EFFECTIVE : Contingent

SJR 031

SENATE SPONSOR Gross

3657S.01I

SJR 31 - This proposed constitutional amendment submits two separate proposals to voters regarding funds obtained by the State as a result of any legal settlement or award resulting from a final order in a dispute between the state and tobacco companies. The proposal receiving the greater majority of votes would become law.

The first proposal excludes the funds from the calculation of total state revenues, and designates that the funds are allocated to the following Accounts:

Healthy Families Trust Fund - Seniors and Catastrophic Prescription Drug Account;

Healthy Families Trust Fund - Health Care Treatment and Access Account;

Healthy Families Trust Fund - Tobacco Prevention, Education, and Cessation Account;

Healthy Families Trust Fund - Life Sciences Research Account; and

Healthy Families Trust Fund - Early Childhood Care and Education Account.

The second proposal includes the tobacco settlement proceeds in the calculation of total state revenue. Any of the moneys not subject to a refund shall be allocated to the same accounts as with the first proposal.

CINDY KADLEC

122701 Prefiled
010902 S First Read

EFFECTIVE : Voter Approval

SJR 032

SENATE SPONSOR House

3677S.01I

SJR 32 - This proposed constitutional amendment modifies the Constitution to allow gambling boat admission fees to be used for public transit purposes. There is a separate companion act which establishes a \$2 admission fee for public transit purposes and establishes the Public Transit Subaccount Fund.

STEPHEN WITTE

010902 S First Read

EFFECTIVE : Voter Approval

SR 0863

SENATE SPONSOR Kenney

SR 863 - Temporary Senate Rules

010902 S First Read	S2
010902 SA 1 S offered & defeated (Jacob)	S2
010902 S adopted	S2

SR 0864

SENATE SPONSOR Kenney

SR 864 - Senate Duly Convened

010902 S First Read	S4
010902 S Adopted	S4

SR 0865

SENATE SPONSOR Staples

SR 865 - Relating to Senate Chamber

010902 S First Read	S4
010902 Referred S Rules, Joint Rules & Resolutions Committee	S4

SR 0877

SENATE SPONSOR Kenney

SR 877 - Temporary Senate Rules

011002 S First Read
011002 S adopted

01/11/02

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SR 0879

SENATE SPONSOR Jacob

SR 0879 - Notice of proposed rule change - Rule 97

011002 S First Read

SR 0881

SENATE SPONSOR Schneider

SR 881 - Notice of proposed rule change - Rule 97

011002 S First Read
